

# The Nation.

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## The Week.

On Wednesday Mr. Trumbull's bill regulating the qualifications of jurors came up in the Senate. There has been some talk about the bill as directed specially against Jefferson Davis, but it wears an innocent appearance, and, as Mr. Reverdy Johnson and Mr. Trumbull pointed out, the law, as now existing in many States, allows judges, in the exercise of their discretion, to do all that the new bill permits. It is provided that a man is not to be held necessarily incompetent for service as a grand juror, nor for service as a juror in trials of offences against the United States, by reason of his having formed and expressed in regard to the matter in issue opinions founded on public rumor, newspaper reports, and so on, provided he can make oath that he can and will do his duty impartially. But the court may in its discretion put aside any such juror. Mr. Bayard and Mr. Garret Davis opposed the bill as a dangerous innovation, but it passed by a vote of 37 yeas to 8 nays. Mr. Sumner introduced a joint resolution, identical with others introduced at various times, proposing a constitutional amendment to the effect that no President, and no Vice-President who has acted as President, shall afterwards be eligible to either office. It went to the Committee on the Judiciary. In the House, on the same day, Mr. Robinson, of New York, came forward with a resolution—privileged, as he said—to rescind the resolution impeaching Andrew Johnson, and to recall the honorable managers. The Speaker avoided the peril, however. He ruled that the resolution was not privileged, as the House had already, on the 31st of March, ordered the previous question on a motion to print Mr. Butler's opening address to the Senate. On Thursday and Friday neither Senate nor House did anything but go on with the trial of the President, except that the House referred to the Committee on Foreign Affairs a proposal to ask the President to send a special mission to the contending South American powers to urge peace. On Saturday Judge Woodward, in the House, introduced a bill to test the constitutionality of questionable acts of Congress. It provides that when Congress has passed a bill over the President's veto, the veto having been given because of the alleged unconstitutionality of the bill, it shall be lawful for the President to cause the Attorney-General to draw up and file on record in the United States Supreme Court a feigned issue with such pleadings as may be

necessary to raise the questions of unconstitutionality suggested by the veto message, and no other questions whatever. Further, the bill provides that the Speaker of the House shall be served with a certified copy of the feigned issue and pleadings and shall appear by counsel or in person to defend the constitutionality of the enactment. On Monday, in the House, Mr. Washburne said that as there was a prospect of a speedy resumption of legislative business, he should on Thursday (to-day) move a call of the House. On the same day, it being proposed to vote on the matter of printing 40,000 copies of Mr. Butler's speech, it was found that there was not a quorum present.

Judge Curtis's speech before the Senate in defence of Mr. Johnson is pleasant and yet unpleasant reading. It is pleasant, because no matter to which side one's sympathies may incline, everybody, except our friends the enthusiasts, feels the immense importance, from a moral point of view, of having the trial conducted in a manner worthy of the nation. No cause so great has ever been tried before a legal tribunal. The only approach to it was that of Charles I., but he was not tried before a legal tribunal or in accordance with forms previously prescribed by law. It is unpleasant, because there can be no question that the people have not thus far been worthily represented before the Senate. We have nothing to say against the ability of the Managers, but we have much to say against the use they have made of their discretion in committing the greater part of the conduct of their cause to that one of their members who cares least for courtesy, for decorum, and for the dignity and fairness of the trial. The contrast in demeanor between those who represent the President and those who represent the House has been already sufficiently marked, and it is a contrast on which few people will look with anything but mortification after the trial is over. If there was to be a lack of decency on either side, certainly it ought to have appeared on the side of the defendant, the more particularly as the case against him is largely made up of a charge of bad language and rowdy behavior.

Judge Curtis's opening speech for the defence, and the arguments of the Managers and the respondent's counsel on the admissibility of General Sherman's testimony, have been the principal incidents of this week of the President's trial. There was, besides, the examination of Adjutant-General Thomas, which attracted a good deal of popular attention, but which, after all, was not of vital importance. It showed plainly the mental incompetency of the gentleman whose services Mr. Johnson thought would be of peculiar advantage to the public service; and it gave Mr. Butler an opportunity to display fully the arts that make him feared in criminal courts, and not greatly respected or admired elsewhere. As to the evidence of General Sherman, the case is this: The President's counsel intended to prove by him that at the time when he was asked to take the War Office, he was told by Mr. Johnson that Mr. Stanton was to be removed in order that the validity of the Tenure-of-Office Act might be tested before the Supreme Court. The first question put to the general, when he appeared on the stand, was the signal for battle between the two sides. The Senate decided, reversing the Chief-Justice's decision, that the answer could not be admitted. The President's counsel—the evidence they so much desired having been thus shut out—endeavored to get it before the Senate indirectly. In this attempt they were very persistent, and the Managers in opposing it were equally persistent. Witnessing the anxiety of the Managers to keep out the testimony, one would have supposed the Senate an ordinary "intelligent jury." The strategy of the counsel was frustrated finally by an overwhelming vote, and on Saturday night the Managers had been successful, as no doubt on strictly legal grounds they ought to have been. On Monday, however, the

Senate, by a close vote, resolved that the testimony should be admitted. Of this decision we are glad. As we have stated elsewhere, the Senate was not legally bound to admit as evidence of the intent of a violator of law words that he used months before he committed the violation. But, as Mr. Butler insisted in his opening for the prosecution, the Senate in this business of impeachment is a law unto itself, and nothing can be clearer than that it is wise to admit whatever evidence tends at all to throw light on the case. Even in ordinary criminal cases it is already the practice in some of the States to allow the prisoner to lay before the jury, as an aid to right judgment, his own statement of the facts. And the people will surely not be satisfied if Mr. Johnson is either convicted or acquitted on technicalities drawn from the practice of the least enlightened criminal courts. As a matter of fact, we suppose, no sensible man now believes that what Mr. Johnson chose to tell General Sherman when he wanted to use him is of the least value as throwing light on his real intent. The Senate seems to have been actuated by some such considerations as we have mentioned. And, in judging of the course of the Senate throughout the discussion of this question, it must be remembered that senators are accustomed to take time for their deliberations; that they may let, and habitually do let, weeks pass before definitively settling doubtful points; and that now, in this trial, very nice and doubtful points are submitted to them for almost immediate settlement. It is no wonder, then, if there is apparent vacillation in its action. But we believe, and the history of the trial thus far is our ground of belief, that the court is honestly trying to do its duty impartially, and that no American need be ashamed of its record.

The election in South Carolina is at an end to-day, and it is probable that the new constitution is ratified and the Republican candidates for State officers elected. It is worth recording that one of them, Mr. T. L. Cardozo, candidate for the Secretaryship of State, is a colored man, a native of Charleston. He is a man of ability, and, if we are not mistaken, has had the advantage of receiving a university education in Glasgow. For some years he has been at the head of the largest of the Charleston free schools, and has managed it to the satisfaction of his assistants, of whom some were young women who in the North would be—in fact were—considered accomplished teachers. It is worth recording also that the Democrats of South Carolina have reached this point:

*Resolved, That under the action of the State of South Carolina, heretofore taken, we recognize the colored population of the State as an integral element of the body politic; and as such, in person and property, entitled to a full and equal protection under the State constitution and laws; and that, as citizens of South Carolina, we declare our willingness, when we have the power, to grant them, under proper qualifications as to property and intelligence, the right of suffrage.*

The World will have to read these ideologues out of the party. From North Carolina news comes that the campaign is most active; speeches by the hundred being delivered each day, and the result being doubtful. Arkansas ratifies the new constitution by a majority, officially reported, of 1,679.

The Tribune has received from a special correspondent in Georgia, and prints in fac-simile, one of the documents with which the "Ku Klux Klan" are intimidating their political opponents. It is described as a handbill printed on pink paper and adorned with symbols such as a backward schoolboy of twelve years old might invent after he had just gone through the "Pirate's Own Book." There are cannon printed on it, a coffin with a white cross, a skull and cross-bones which bear a striking resemblance to those of Solonoi the Black Avenger, a dagger, a chain, a coiled snake, a sword, a heart, two crescent moons, a black flag with "K. K. K." upon it, a hound, a bugle-horn, and such inscriptions as these: "Klansmen—The deed without a name is done;" "Many thanks, O Ghenghis Khan, thou whose Crown is" [device of skull and cross-bones]; "Attend the Cabala, and the curse of Nemesis upon him who speeds not the foot at its mystic summons." It is never agreeable to any one, we dare say—never to any American citizen at any rate—to have his throat cut by people on the mere ground that he voted the wrong ticket; but to be put to death by persons of the mental calibre of the inventors of these placards—to furnish in one's

own person the tragic conclusion to so trivial a farce as the "Klan" performances would be if cowardly murder were not the end of them—this must be peculiarly trying to a victim whose taste is not wholly unformed. We do not know which is really the more unfavorable and depressing sign as regards the condition of the South—the formation of a secret society for the purpose of killing or intimidating political opponents, or the fitting it out when formed with these marvellous paraphernalia. However that may be, we sincerely hope that, pending the establishment of common schools throughout the Southern country, the military commanders will catch and hang all the "Klansmen" who are old enough. General Meade's order has reached us, and seems tolerably well adapted to the end he had in view in its preparation. The assassination of Mr. G. W. Ashburn and the plentiful indications that other similar murders are intended by a secret gang of ruffians, were the reasons for its promulgation. It directs military commanders who think it desirable, to organize a force of law-abiding citizens, whose services shall be paid for by a tax levied on the district put under surveillance; it forbids the publication of articles in newspapers tending to produce riot and bloodshed, and enjoins the political speakers to refrain from incendiary language. We are bound to say that we believe General Meade will have the good wishes of a large majority of Georgians in his endeavor to stop the violence of the Klan; and we are bound to say that we do not believe their good wishes will be of much service to him. The really respectable public opinion of the South was never yet able to restrain the lawlessness of the worst part of Southern society.

We do not know if there are any politico-personal intrigues behind the recent singular action taken by the Pennsylvania Republicans. If there were no special reasons to set them upon doing it, we should imagine that members of the Legislature and other presumably sensible men would have hardly done so unbecoming a thing as Governor Geary and other prominent Pennsylvanians have been doing. They asked that Senator Cameron, when Mr. Johnson should be found guilty and Senator Wade should become President Wade, and changes began to be made in the Cabinet, should urge on the President the claims of Mr. Stanton for the post from which, it is taken for granted, Mr. McCulloch will be at once removed. Mr. Stanton has published a letter, which we dare say expresses his real mind, to the effect that, having heard of the proposal, he hastens to request earnestly that Mr. Cameron will not make the desired recommendation. Enough of his life, he says, has been devoted to public duties, and he intends ceasing to hold office as soon as his successor is appointed and confirmed.

Sergeant Bates reached Washington on Tuesday with the flag which he has publicly borne and waved ever since he left Vicksburg. By this journey he has proved to a demonstration the loyalty of the South and the security of men who reside there making no concealment of their loyalty. It disposes of the mythical stories of a "Ku Klux Klan," and henceforth the New Orleans riot comes out of history and Mr. G. W. Ashburn does not go into it. It makes General Meade's order a hoax that he ought to be ashamed of. Inasmuch as the sergeant was permitted to wave his flag from the capitol at Richmond, but was turned away from the Capitol at Washington, it is clear that the fiery love of the Union which animates Virginian souls far exceeds that in District of Columbian souls. We should like to hear Mr. Mungen or Mr. Eldridge—or Mr. E. O. Perrine will do—extending this sort of reasoning to the impeachment trial. Mr. Johnson, it is well known, went through the North displaying his "policy" without being assassinated, or even so much as brought before a police court. It follows that Congress is not fit to act in the name of the people, and that the President has uniformly kept himself within constitutional limits.

Wendell Phillips has, in the last *Anti-Slavery Standard*, entered into detailed proof of General Grant's "drunkenness in the streets." It consists of a speech of William E. Dodge, the President of the National Temperance Society, in which that gentleman, after having visited Washington, "assures the temperance men they need have no fears." The thoughtful teetotaller, Mr. Phillips thinks, will consider this conclusive; but if he does, all we can say of "the thoughtful teetotaller"



is, what Bumble said of the law—"that he is an ass." But Mr. Phillips furnishes cumulative testimony, in the shape of a letter from Senator Wilson, in which he says that he "had seen General Grant in his camp, in his office, at his own house, and at dinner-parties where liquors were freely used by others, but had never seen him drink even a glass of wine, nor had he ever seen him when he had the slightest reason to believe that he was in any degree under the influence of drink." Mr. Wilson's failure to say that he has never heard from trustworthy sources of "the public drunken exposure of his candidate," combined with Mr. Phillips's knowledge of Mr. Wilson's character, is to him (Mr. Phillips) sufficient; or, to use his own words, "to me no further evidence is necessary"—an admission which leads us to fear that Mr. Phillips is himself a "thoughtful teetotaler," and shares in the mental peculiarities of that species of citizen. The part which poor General Grant plays in this discussion would be rather annoying to him if it were not so very amusing. He is held up to the country in the newspapers as "a street drunkard," because William E. Dodge says he is satisfied with him, and because Wendell Phillips, having the worst possible opinion of Henry Wilson, thinks he is guilty of evasion when he says he never saw General Grant drunk. Those who remember Mr. Phillips's criticisms of Abraham Lincoln and his ardent eulogies of Andrew Johnson, will sympathize with the philosophic sadness with which he remarks that he "considers the success of Mr. Wilson one of the most alarming results of democratic institutions."

The *Anti-Slavery Standard*, through whose columns Mr. Phillips enlightens "the thoughtful teetotaler" on so many subjects, is a journal which has many good features, but whose claims to public support have been somewhat shaken by the legal abolition of slavery. It has, however, stoutly and certainly successfully maintained its right to survive slavery, without, however, satisfying those who wished to see it die with the abuse which it had so long and so ably assailed. We ourselves have at times had doubts about its utility, but they were, if not entirely removed, very much weakened by a letter signed "J. T. S.," in the number of April, which called attention to the number of "mysterious disappearances" which have been reported to the police in New York during the last four months—two hundred and thirty-nine in all—and asking, "Who shall dare affirm that the chattel system of slavery is wholly extinct among us?" if these statements are true. It then says:

"Now, after making all due allowance for a possible exaggeration in this statement, there is no doubt that in a crowded city like New York, and even in the good old Puritanic city of Boston, there is a system of kidnapping, as it were, certain laborers, whether young or old, and a catering to brothels and other haunts of servitude, which substantiates our charge that slavery, or at least the essential virus of it, is not dead yet, and fully justifies our claim that the *Standard* should be vigorously sustained as the uncompromising advocate of human rights, and for all classes, whether black or white."

Mr. Bancroft's completion of a treaty with the North German Confederation, releasing German subjects from their allegiance after five years' residence with intent, shown in the prescribed mode, to become citizens of this country, has settled what was the most thorny and difficult branch of the expatriation question. It now remains to deal with the British branch of it, which is also important, but which has been made pressing solely through the Fenian operations. Great Britain does not conscript returned exiles, but her courts do claim the right, under the old doctrine of allegiance, to take cognizance of acts committed by British subjects on foreign soil, no matter what measures they may have taken to cast off their allegiance. There is, however, no reason to anticipate any difficulty in settling this question also, whenever there is a sincere desire to have it settled. The difficulty now is that few Americans feel that it possesses much practical importance, and the Irish, we suspect, would, on the whole, if the truth were known, sooner have it left as it is. It now furnishes materials for a good many "enthusiastic meetings," which otherwise could hardly be got together.

The Cable news of the week has been unimportant. Dr. Livingstone's safety is confirmed beyond question by an autograph letter

which has reached Sir Roderick Murchison *via* Zanzibar; and it is a fact of much more interest than the continued progress of the British forces in Abyssinia towards Magdala and King Theodoros, as reported in two despatches. The existence of considerable uneasiness among the rural population of France, owing to the terrors of the new army law, would appear to be substantiated by the telegrams from Paris. The *Liberté* alleges that the U. S. Legation in that city is overrun with applications from Frenchmen for American naturalization papers, with the not very enlightened view of escaping in this way from military service. However this may be, it will be safer to anticipate from the popular discontent an increased emigration to this country, rather than an explosion in France. At least, if we were members of the society—which we believe is still alive—for promoting European emigration to Louisiana, we should think the present the most favorable opportunity for getting the ear of the French people. We only fear that it might be embarrassing to explain to them why, in fleeing the conscription at home, they must not only come under military rule at the South, but must depend upon it for security and for most of the other blessings of good government.

The acknowledged evils of the resident system of the English universities, owing largely to the increased cost of living, led last year to a proposal of reform from Mr. Ewatts, which was granted a select committee by the House of Commons, and resulted in the taking of a good deal of testimony that decidedly strengthened the claims of the chief innovation. This was to allow students to reside in the city without being connected with any college or hall. The principal objections which it encountered were, that it would remove the outsiders from parietal discipline, and also interfere with their religious training, while they would be asked to humiliate themselves by subscribing to a statement setting forth their poverty. Nevertheless, the debates in the House clearly foreshadowed the change contemplated, and the universities have wisely gone out to meet it instead of stubbornly resisting or delaying by inaction. The proposal has actually been adopted by the Congregation of the University of Oxford, and, though this does not put the reform beyond hazard, it is probably the beginning of the end. At Cambridge the Syndicates appointed last November to consider the matter have recently reported in its favor, and their report has been discussed by the Senate, without conclusion. Greater opposition was developed than was to have been expected, inasmuch as, if we remember the tenor of the debates last year, the most stress was laid upon Oxford as needing extension. Undoubtedly, when the gates are down, a class of students with more brains than money will come in to compete with the sons of fortune and position; and that this should happen simultaneously with the extension of the suffrage seems—since the latter is irrevocable—to be the fittest and most desirable consummation possible. It would not be strange if the temptation to students in this country to complete their education in England, which has always existed to some extent, should, with the increase that must be thus given it, make an appreciable addition to the undergraduates of Oxford and Cambridge.

The constitutional inability of Englishmen to believe in the feasibility of the French ship canal across the Isthmus of Suez has just been rebuked by the Duke of St. Albans, who, in a letter to the *Times*, says of his visit to the works, that he came a sceptic and left a true believer in the early completion of the canal. It is tolerably well known that there is a small fresh-water canal, on which two barges may pass each other, that already serves for communication between the Mediterranean and the Red Sea; but it is less notorious that the maritime canal is half completed and filled, and that at Portsaid, its northern terminus, is a city of ten thousand inhabitants, where, eight years ago, "there was a narrow strip of sand between the sea and the lagoon, without a hut on it." And not only a town, but a port full of shipping, with a breakwater built of stone, made by a most ingenious process from the sand of the desert. It is curious to think of the Pacific Railroad as a rival of this canal, of course only for the eastern coast of Asia, China, and Japan. The distance to these countries, across the United States, will in fact be, when the road is completed, several days shorter from London than by the Red Sea.

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### THE IMPEACHMENT TRIAL.

THE most remarkable feature connected with the impeachment trial—a feature which completely overshadows all others—is the fact that it can take place at all. If republican institutions have proved their strength to carry on a civil war of unexampled magnitude, they are no less proving their ability to withstand a political strain to which no other government has ever been subjected. Kings have been deposed, and have been submitted to a judicial trial for their crimes against the people, but only after they have been deprived of all power by successful revolutions. Here is the spectacle of a President, commander-in-chief of the armies and navies, possessing the sole executive power of the nation, supported in his opinions and acts by the assent of a considerable majority of all those persons who, five years ago, were deemed to be citizens, under trial for alleged offences against the Constitution and the laws; all the machinery of government moves on as usual; no one suggests resistance; the accused obeys all process of the court, yields to its authority without a murmur, attempts no measures of violence, submits a defence entirely upon the merits. We repeat, this is the remarkable fact; and it is one which may make every thoughtful citizen both proud of his country and hopeful of the permanence of its institutions. It shows that the Government is still based upon a universal respect for the laws. The American people are not slow to discuss all questions of policy and of power with a zeal which sometimes appears dangerous; but when the Constitution is plain and express, when the measure is one provided for beyond all doubt by the organic law, the assent to its legality is universal. No thoughtful American, whatever be his party affiliations, can look upon the impeachment trial as an event inferior in moral grandeur to the war waged to suppress the rebellion.

The trial itself has presented some questions of constitutional law hitherto untouched or unsettled, and the decisions thereupon will doubtless become precedents for all future action. One of these points involves the position of the Chief-Justice as presiding officer of the Senate. We confess ourselves unable to appreciate the importance which has been attached to the official character of the Chief-Justice. It seems to have been taken by many, both in the Senate and without, as symbolizing some theory which would enlarge or diminish the jurisdiction of that body. It has been suggested that the Chief-Justice is the sole judge of the law and the Senate are the sole triers of the fact. But such a suggestion has been made by no one connected with the trial, and its absurdity is apparent. Two questions have arisen, entirely distinct from each other and depending for their solution upon entirely different considerations. The first is the right of the Chief-Justice to rule in the first instance upon incidental points which arise in the trial, subject to the revision of the Senate. This claim is based not upon any authority residing in him as presiding officer, but simply upon a construction given to the rules of procedure which the Senate adopted. That body assented to the construction, and to remove all doubt made the rule more explicit. The second question is more important, and involves the official character of the Chief-Justice. Has he the right to an absolute and peremptory vote under any circumstances? The claim is simple, and the argument in its support seems to us conclusive. Generally, the Vice-President presides. The Constitution clothes him with authority to give the casting vote in all cases of a tie. When the President is tried, the Chief-Justice shall preside. It would appear from this language taken alone that the Chief-Justice was substituted in place of the Vice-President, with all his powers, no more and no less. This conclusion is strengthened by the motive which probably led to the provision in question. As the Vice-President succeeds upon the removal of the President, it was considered improper that he should form any part of the court, and the Chief-Justice was substituted in his stead. We do not understand

that Mr. Chase has claimed anything more than the right to vote in case of a tie, and his casting vote can only be used in deciding interlocutory questions; in the final result he can have no voice, for the majority must be two-thirds in order to convict.

It is evident to any one who has carefully examined the proceedings from day to day that the Senate has uniformly acted with great impartiality, and that its rulings in respect to the admission of evidence are, with one or two exceptions, absolutely unobjectionable. The only occasions when there has been any real contest between the Managers and the President's counsel were the offers to prove declarations made by General Thomas, to prove the appointment of Mr. Cooper as Assistant Secretary of the Treasury, and to prove on his behalf declarations made by the President. The first decision, admitting General Thomas's statements made after his appointment, seems to have been in entire accordance with settled principles of the law of evidence. It is true that generally the declarations made by one person cannot be received against another. To this rule there are exceptions; and none is more familiar than in the case of an alleged conspiracy. If the prosecution has laid the foundation by giving some proof of the conspiracy, they may follow it up by introducing the admissions of the assumed conspirators against each other. It cannot be said that the prior proof of the conspiracy must be absolutely conclusive; it can, in the nature of things, be only matter for a jury to weigh. Had such proof been offered? We think it had. The removal of Mr. Stanton, the appointment of General Thomas, and the particular directions of the President to the latter, may make out but a weak case of conspiracy, but they certainly make out a case sufficient to be submitted to a jury. The decision admitting General Thomas's statements prior to the removal of Stanton and his own appointment was, in our opinion, wrong, and wrong for the same reason that the former ruling was right. No evidence of any conspiracy existing at that time between the President and Thomas had been given. We were glad to see that most of the able lawyers on the Republican side of the Senate voted to reject this evidence. To be sure, the declarations proved were perfectly immaterial, and cannot be used to prejudice the case of the respondent.

The proposal to prove the appointment of Mr. Cooper as Assistant Secretary of the Treasury was very properly overruled. The fact itself seems simple enough, but Mr. Butler announced that the Managers intended to raise such an enormous superstructure of hypothesis upon it that they would be, in fact, adding another distinctive charge to the articles of impeachment. The Senate, in deciding that they would not try the respondent upon any new allegation, decided in strict accordance with law, as well as with common sense and common justice.

The questions raised by the counsel for the respondent, in their offers to prove the President's declarations, in order to show his intent, are much more grave, and go to the bottom of one entire branch of the defence. The criminal law, as administered by ordinary tribunals against ordinary offenders, invariably demands the presence of a wrongful intent as the very essential element of every crime. Although the Managers have denied the necessity of proving such an intent against the President, yet their actions contradict their avowals, and there can be no question that this feature of guilt must be established, and may be disproved. As intent is a mental condition rather than a physical fact, the evidence for or against its existence must be circumstantial, and on the actual trials the aid of presumptions is always invoked. Thus, the President having removed Mr. Stanton, the presumption is conclusive that he intended to do so. If the removal was in violation of the Constitution or of a statute, the presumption would also arise that he intended the violation. This latter design is the actual criminal intent which makes his act a high misdemeanor; but the presumption is not, like the former, conclusive; it may be overcome, and may be strengthened by ancillary evidence. The President claims that he is not guilty of a criminal design, because the validity of the Tenure-of-Office statute is, at least, fairly open to doubt, because the only method by which it can be questioned is for him formally to violate it, in order that the judicial machinery may be set in motion, and because he did, in fact, violate it for that purpose, and for no other. The first two of these propositions are matters of law, and are to be established by argument and not by testimony. The third is a matter of fact, and he proposes to prove it



by showing what he has said to different individuals on the subject. The Senate permitted him to introduce the statements made to General Thomas, but shut out those made to General Sherman. Is there any inconsistency here? Every tyro in the law knows that as a general rule a party cannot prove what he has himself said in order to explain the nature of an act. To this rule there is the exception that, if the act and the saying were simultaneous, or were so closely connected as to form parts of the same transaction, they shall not be separated; the act shall not be shown and the language shut out; both shall be admitted to explain each other. Under this exception the Senate permitted General Thomas to detail the conversations between the President and himself. But when the counsel for the respondent passed to conversations which took place two months before the act charged in the articles of impeachment, we think the exception does not apply, but that the general rule comes in play. It could hardly be contended that similar evidence would be received on behalf of the prisoner in a trial for murder or any other crime. But we think the Senate ought to have admitted the proposed declarations on Saturday as it did on Monday, when senators had had time to consider the matter. The rules of evidence which prevail in the English and American criminal law were contrived solely for trials by jury; they were designed to shut out immaterial matters which might confuse triers unacquainted with the law; they are not necessary when the same tribunal decides the law and the fact. The Senate would not be at all prejudiced by the admission of improper evidence; each senator would for himself separate the good from the bad, and give a judgment according to his convictions. Again, the Senate should preserve the appearance of the utmost fairness; a verdict of guilty will do no good unless the people are satisfied that it was rendered upon a view of the whole case; all errors should be on the side of the President, not on the side of the Managers. Now, the great mass of persons uneducated in the technical rules of evidence would consider statements made by the President, in reference to his design in removing Mr. Stanton, as throwing great light upon his intent; they will regard the rejection of those statements as an act of injustice. We are satisfied that Mr. Butler, by his vehemence in applying the doctrines of criminal evidence with which he is so familiar, is injuring his cause with the people.

The trial itself has developed few facts of importance which were not well known before its commencement. All the articles which are based upon the removal of Mr. Stanton and the appointment of General Thomas rest for their decision upon two considerations. The charge of conspiracy cannot be treated as raising an independent issue. The first of these two considerations is the pure question of constitutional law, In whom does the power of removal reside? We do not intend to discuss this question. It can hardly be expected that the Senate will reverse their former action and fail to pronounce the Tenure-of-Office statute a valid law, by a majority of at least two-thirds. The position that Mr. Stanton's case is not covered by that statute seems to us so technical that we may call it a quibble. But the defence will be largely rested upon the issue of wrongful intent. The true construction is certainly a matter of doubt. Mr. Curtis maintains the exact position heretofore assumed in the *Nation*, that in regard to most laws the President should not interfere, but in regard to some he must interfere or their validity cannot be tested. This statute falls within the latter class, and if the respondent violated it merely to set in motion a judicial proceeding, he is innocent of any misdemeanor. We agree with these views. The trouble is that the facts do not appear to support them. There is not the slightest evidence, except his own declarations, that the President desired a judicial investigation. All of his acts look in another direction; he was endeavoring to get possession of the War Office, and to compel the other side to commence proceedings if they pleased.

We cannot leave this subject without saying that one fact was proved which ought to result in the President's conviction—his direct official communication to the Alabama Legislature advising a defeat of the XIVth Amendment. Here was a bold and plain violation of his official duty; a bold and plain interference with the exclusive functions of Congress.

### SQUANDERING THE NATIONAL PATRIMONY.

It is generally acknowledged that, next after class-hatred, the great difficulty in the way of the social regeneration of Southern society is the landlessness of the negroes. If there be any well-established principle in political economy, it is that the possession of land has an elevating effect on the character, and that whatever influence the multiplicity of small holdings may exercise on the gross amount of production, there can be no question as to its influence in promoting independence, industry, frugality, and prudence amongst the cultivators. No argument is needed on this point. It was settled long ago, by the mere comparison of the countries in which large landholders abound with those in which small landholders abound. All that is claimed for the former is that they produce larger crops and use better machinery; what cannot be denied to the latter is that they produce better men, which is, after all, the great end of crops and machinery. When one compares the French peasant, even in districts in which vine-culture is unknown or unprofitable, with the English hind, in any district whatever, one feels that the difference is such that neither the large yield nor improved processes of the English farm can compensate for it—and yet the French peasant is by no means the best specimen of the class of small holders.

Wendell Phillips and Thaddeus Stevens both got hold of this principle, and, two years ago, urged it with considerable energy with regard to the Southern negroes. They said, and with great truth, that there was no means of raising a man—and, above all, a degraded and dispirited man—either in his own estimation or in that of his neighbors, so good as that of giving him land of his own, in sufficient quantity to enable him to live on it in comfort. But they spoilt the effect of all they said by parading their desire that the measure should be only in part a philanthropic or reformatory one, and that the remainder should be purely penal; in other words, that they sought through it the infliction of vengeance on the South as well as the elevation of the negro. They proposed to secure the necessary amount of land by confiscation, and Wendell Phillips cited in support of his doctrine various historical precedents, whose sole value, unfortunately, lay in the lesson they afforded of the curse which even "mild confiscation" inflicts on any country in which it is carried out, especially when the sting it leaves behind is felt by a large class. In short, we cannot go to the source from which we draw the conclusion that small farms are a benefit to the community—human experience—without finding it covered over with warnings against allowing men to acquire small farms by means which look like spoliation of their neighbors. There is one thing more essential to a community than even small holdings, and that is the absence of any extraordinary cause of envy, hatred, and malice amongst its members.

It is, however, undoubtedly the duty of the Government to encourage by every means in its power the diffusion of landed property—or, in other words, the dependence of as large a proportion of the population as possible on farming for its support; for the farming class, if it be in the enjoyment of a good system of education, is undoubtedly the most valuable class, both politically and socially, and will continue to be so till co-operation in some shape or other shall have raised the artisan out of the position of a hired laborer. We have already too many men in the cities living from hand to mouth, and forming after each commercial crisis or panic a great mass of suffering and discontent; and one result of the enormous accumulation of capital in a small number of hands, which seems to be one of the inevitable incidents of our civilization, is to aggravate this drift of population to the great cities. Government can counteract it in a measure by the judicious use of the enormous area of public lands now remaining in its hands, and we hope some day to see an attempt either by State or Federal legislation to make the holding of large masses of land not under cultivation unendurably burdensome by taxation. The holding of land as it is now held at the South, in larger quantities than the owner can cultivate, or intends or hopes to cultivate, is against public policy, particularly when, as is largely the case in that region, it is done for political ends; and it would be difficult to think of a fairer object of differential taxation. It is not only a luxury but a mischievous luxury.

How terribly this legitimate means of redressing the balance between the city and the country, between classes and the masses, between large capitals and small ones, has been wasted, has been recently exposed in the House of Representatives, in a very able speech, by Mr. Julian, of Indiana—the author, we may say, of the Homestead law—to prevent the further sale of public lands except in accordance with the provisions of the Pre-emption and Homestead laws and the laws for the disposal of town sites and lands. Some of the facts he brings to light are almost astounding, and are full of instruction. Thirty millions of acres of land sold by the Government since its foundation, and which would have made 187,500 farms of 160 acres each, have not been reduced to farms at all, but have passed into the hands of speculators. About seven millions of acres have been sold under the Homestead laws, represented by 59,000 farms, while in the year 1835 about eight millions of acres passed into the hands of speculators and remain still unimproved, thus creating immense barriers between the tide of population and the wilderness beyond, which emigrants were forced to pass over in search of settlements, and leaving great tracts of unpeopled country between them and civilization, thus doubling their hardships by raising the price of everything they needed, and increasing the difficulty of securing all civilizing influences—churches, schools, books, lectures, and roads. We have more than once spoken in these columns of the barbarizing effects of great sparseness of population. Mr. Julian's revelations give all we have ever said on this subject additional point and force. The bad effects on the civilization of the whole country, on politics, society, and literature, of the way in which we have allowed great regions of the far West to be settled, are already visible, but we are satisfied we have not yet seen them in their full extent.

The Government has sold, in all, over one hundred and forty millions of acres since its foundation. Mr. Julian calculates that the country has not derived from them one-half the agricultural wealth that might have been derived had a care been taken from the outset to ensure the bringing of this vast area under cultivation as fast as it was disposed of, thus making it fulfil the end for which land, politically considered, exists—not the enrichment of individuals, but the increase of the number of happy and comfortable homes.

But it is not the private speculators alone who have to bear the responsibility of the withdrawal of these large tracts from cultivation. Mr. Julian calculates that about two hundred millions of acres have been granted in aid of railroads and other improvements, and under such conditions that the companies can withhold from the market the alternate odd numbered sections for an indefinite period, and can put on the even numbered ones the high price of \$2 50 an acre. The sum total of these grants exceeds the entire area of the six New England States, together with New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, and Virginia, by more than five millions of acres! They are almost equal to the entire area of France, and nearly twice the size of the British Isles. Now, the construction of the railroads is most important, but it is not so important as the proper settlement of the country through which they run; and Mr. Julian proposes, and a bill embodying his proposal has been introduced, that the companies should be compelled to dispose of the odd sections to actual settlers only, and that such of the even sections as remain undisposed of at the end of ten years should at once become subject to the laws regulating the disposition of other public lands.

The Agricultural College grant, laudable as its object has been, is also being made the instrument of the wildest waste and jobbery. The total amount of the land thus granted is calculated at nearly ten millions of acres. Where the States have public lands within their limits their grants will, of course, be settled with a view to raising the largest revenue possible for the colleges; but we hardly think, as Mr. Julian does, that this can result in much mischief. We suspect that wherever a college makes it a point to get the largest possible revenue at the earliest possible moment from its land grant, whatever it does for the purpose will consist with the public interest, if it attends to the settlement itself. When a State only gets scrip, and is left to "locate" the grant itself, the case is different. In nine cases out of ten this scrip passes at low prices into the hands of speculators, and is used to delay settlement and cultivation. A company of speculators actually adver-

tise that they have bought up the college scrip of nine States, amounting to 2,482,000 acres. The Mexican bounty warrant lands, amounting to thirteen millions of acres, have gone in the same way. The "swamp or overflowed lands" of the Southern States have had a similar fate; a large proportion of them—fifty-two millions of acres, it is calculated—are now held by speculators. Mr. Julian thinks that these, as well as confiscated estates, should have been used to settle the landless class at the South. With regard to confiscation, we, for reasons already given, entirely disagree with him; but his own statements with regard to these speculative monopolies furnish a more powerful reason for disagreeing with him than any which had occurred to us. To touch property long and legitimately held, when so many speculative tumors invite incision, would be anything but good statesmanship.

Another great land job—the scheme of granting bounty lands to soldiers who had served in the war—has just been exposed, and we hope squelched, by a report from the Committee on Public Lands, to which the bill embodying this scheme was referred. The sum and substance of it was, that about three hundred and thirty-five millions of acres, or about one-third of all the lands now remaining in the hands of the Government, be granted to soldiers. The distribution would, of course, be made in assignable land-warrants, which the soldiers would sell to speculators at prices probably, all things considered, as low as twenty-five cents an acre, and we know what would follow. Any soldier who wants land with a view to cultivating and living on it ought to have it; but if he is entitled to any reward for his services, and does not want to become a farmer, he ought to get it in money. The distribution of land-warrants is simply another mode of bestowing the prize of his valor and sufferings on a set of people who passed the entire period of the war in Wall Street, and if they helped him at all, did it by simply praising his exploits.

#### A NATIONAL BUREAU OF LIFE INSURANCE.

THERE is now going on in some of the daily papers of the city a discussion more than usually important, but which meets with even less than the usual attention from the parties principally interested. The subject under discussion is the propriety of establishing a National Bureau of Life Insurance at Washington, in place of the separate bureaus of the individual States in which they already exist or may yet be established—a plan which has been suggested in the Life Insurance Chamber of this city, and which must, sooner or later, come up in Congress for practical action. For the moment, the principal parties in interest seem to be the Life Insurance Companies themselves; but, in truth, the party most interested is the great public. But it does not readily appear how this question concerns the public so much, and that is one of the principal reasons why the discussion itself attracts so little attention. There is also another reason, a far more forcible one—namely: the general ignorance on the whole subject of life insurance. Unfortunately the press, to which the community looks for information on such matters, is consciously, or unconsciously, enlisted on the side of the companies, who are, if any one is, interested in maintaining the prevailing ignorance. The competition among the insurance companies for new business is naturally great; notoriety consequently is one of their great elements of strength. Hence the insurance companies are among the most liberal advertisers, and managers of newspapers, depending for their income upon their receipts from advertising, would be more than human if their sympathies in any open question did not naturally incline to the side of their important clients and business friends. Far be it from us to insinuate that such base motives could influence the respectable portion of the fraternity to defraud or connive at any wrong or injustice; but it is unquestionable that, unless some real palpable public advantage is to be gained, newspaper men, like other men, will abstain from raising a discussion that does not seem likely to benefit their friends or themselves. Until lately it has not appeared that any such general public advantage was to be gained by the discussion of life insurance management, and hence the silence of the press, hence the general ignorance. But lately a difference of opinion among the different companies as to the legislation most likely to benefit their individual objects and purposes has brought about declarations and assertions that absolutely cry out for a free and full enquiry. We have ourselves received several enquiries on the subject, and we



hasten to lay before our readers such facts and thoughts as we have gathered.

We have recently shown at length why available capital abounds at the East; we need not, therefore, explain why insurance companies of all kinds are principally established in the East, and carry on the business of insurance in all the other States of the Union by means of agencies. These agencies, though always found ready to represent their companies for the purpose of receiving premiums, were frequently found unready to represent them when it came to pay losses, and insurers thus became involved in difficult and expensive litigation, which they were compelled to carry on in a distant State and at a great disadvantage. To guard against this wrong, to compel foreign companies to plead in the courts of the State where the loss is incurred, and to guarantee to insurers the responsibility of the company for the acts of its agents, some of the States have provided by law that no foreign insurance company shall do business within its limits without first depositing a large sum of money as security in the hands of the State and entering into such other engagements as have been thought likely to guarantee the insurer against fraud or mismanagement. Again, some of the States in which companies exist have established regular official departments for the purpose of superintending the companies within their limits and furnishing to the public generally some sort of guarantee against gross mismanagement. Now it must, of course, be to the advantage of the public that every facility shall be given to the business transactions of all sound and responsible companies, instead of which, the present legislation, it is claimed, throws unnecessary obstacles in their way. They say if a central bureau were established in Washington by act of Congress, empowered to investigate the affairs of all companies in all the States, and empowered to wind up the affairs of every concern on its first departure from the most correct business management or its first failure to comply with its engagements, that then the same security would exist for the insured in all parts of the Union; that the necessity for different laws in different States and for a number of superintending bureaus managed upon different principles and at considerable expense would be done away with; that companies established in States where now no superintendence is provided by law would at once become amenable to the same supervision; that the restrictions placed by some of the States upon the business of outside companies, which in many cases are vexatious only to responsible organizations and advantageous only to the unscrupulous, would be at once removed, to the benefit of all concerned; and that the whole of this important business would be at once established on a basis easily understood, entirely national, and perfectly alike in all parts of the country. It is this proposition, that such a central Bureau of Life Insurance should be established in Washington, which has led to the discussion and the enquiries above referred to.

The practical point at issue in this discussion seems to be, whether it is wise to force upon the General Government the care of interests which the individual State governments can provide for equally well. Apart from the general principle involved, it is safe to assert that individual State governments can not guard certain interests as well as the General Government can. We have right at our own doors a striking illustration in the case of the Erie Railroad war. Here is a corporation, established under the laws of the State and bound by its charter to submit to an investigation of its affairs, actually refusing to be bound by its charter, committing acts which a court declares to be of doubtful legality, and then removing its organization, its office, its books, and its property to a neighboring State, and repudiating the authority of the State to which it owes its existence. The Erie Railroad runs partly within the State; its road-bed, its rails and equipment cannot be removed, and these the State may seize and hold. But if no part of its property lay in the State, what redress, except after endless litigation, would any innocent buyer of its recent issue of stock get, supposing that issue to be declared illegal? It is becoming evident, day by day, that there are men and corporations in our country stronger by far than all the authority of any single State; men and corporations that may some day test even the strength of the General Government.

There are life insurance companies in this city whose available cash means far exceed those of the Erie Railroad, who have little or no

property over which the State can obtain control. What would be the result, if one of these companies should repudiate its obligations and set the State at defiance?

There is no disguising the fact, that in our times submission to lawful authority is not to be relied upon from powerful corporations, unless the power is at hand to enforce the authority. The life insurance companies are gradually developing into bodies of the most extraordinary power and importance. Those doing business in New York alone have assets to the extent of nearly one hundred and fifty millions of dollars; their fresh liabilities entered into last year reach nearly five hundred millions of dollars; *their aggregate liabilities will, in a few years, far exceed the total of our entire national debt; the legislative restraint placed upon them is feeble, ignorant, and inefficient; and there are not wanting men of thought who assert that in less than twenty years every one of them will be bankrupt.*

Reflections such as these, assertions such as these, unintentionally developed in the course of the discussion about the Central Bureau at Washington, seem to show that it is high time for the public and the press to look somewhat more closely into the subject.

Every one understands the general principles of life insurance. If one hundred men, at the age of twenty, put each one hundred dollars into a common fund, and put it out at interest, and each year add the same amount to the common fund to be similarly employed, there will be at all times money enough in the common fund to pay for each of the partners the sum of five thousand dollars at his death. We have chosen arbitrary figures, but the principle is correctly stated. It is easy to see that the success of the principle will be very much modified in practice. If the hundred men are all healthy, strong, and of good constitution, there will be a smaller number of deaths at an early age, and consequently smaller payments to be made by the partnership; the capital will be less early diminished; the increase of the capital, both from interest and from annual receipts, will be larger; and the partnership will be able to fulfil all its obligations. But if the selection of partners be not carefully made, the result will be totally different; there will be found among them some who die early; their death diminishes at one and the same time the capital of the partnership, the income from interest, and the subsequent annual receipts. The result depends, therefore, very much upon the prudence and care exercised in the admission of members to the partnership.

If the one hundred men have the good fortune to reside in healthy localities, to follow healthy avocations, to live in years free from pestilence and contagious diseases, the result will be one; but should the country, during the fifty or sixty years which their partnership may be presumed to last, be desolated by famine, cholera, or other infliction, the result will be totally different.

If the one hundred men are born within this section of country, are fully acclimated, and continue to reside here, the result will differ from what it would be had part of them been born in other climates or removed to them in after-life.

It is evident that in order to calculate exactly what each member's annual contribution should be, in order to procure the desired result, it is absolutely essential to be able to tell beforehand how many of the hundred will die in each year. No process of reasoning can give this knowledge; it can be obtained only, and then only approximately, by experience. In long-settled countries, where social changes are not rapid; where no important movement of the population is taking place; where, in consequence of the long practice of life insurance or from other causes, the necessary facts have been carefully gathered and sifted for many years, extending over periods of manifold vicissitudes, the average life of men has been ascertained with considerable exactitude, and it is upon this knowledge, almost exclusively, that the business of life insurance is carried on with us. Experience of our own, we may safely say, we have none. How the peculiarities of our various climates, our restless activity, our constant migration from State to State, our opening up of new territories, and development of new occupations, our constant accessions of peoples from climates differing from our own—how all these and many kindred influences affect and change the results of other people's experience, we are only very slowly and dimly beginning to perceive. To quote a single example of recent discovery, it is demonstrated by the few years' experience of a German

company of this city that the lives of our German fellow-citizens born in Germany are positively shorter than those of Americans at home.

It is clear, then, that the business of life insurance in America is carried on upon a very uncertain and very insufficient knowledge of its most important element, the average length of life of the insured. We have said enough in what precedes to show that this knowledge cannot be obtained by any one company, by the companies of any one State, or even the experience of one generation. It is a knowledge the acquisition and possession of which are of great national importance, which can be obtained only by long-continued, careful, and persistent collection and comparison of all the facts resulting from the transactions of all the companies throughout the Union, and which should be open at all times to all classes of enquirers. This object can only be reached by a central bureau at Washington.

The question of the average length of life, or rather, as insurance men call it, the *death rate*, though the most important, is far from being the only one of importance. Of the total income of the companies doing business in New York one-tenth is derived from interest on the accumulated premiums of former years. The merchant and business man need not be told, but others may not be aware, how greatly the obtainable rate of interest on capital varies in different years. Of course, if the premium demanded by a company be based upon the expectation of realizing seven per cent. interest on its accumulated income, and it obtains but five per cent., it will be found that the premium asked is insufficient to maintain the company solvent. This is another very uncertain element that enters into the calculations of a life insurance company.

Far more important than the rate of interest, and almost equal in importance to the death rate, is the question of expenses. For these scarcely any reliable data existed in the earlier years of life insurance, and such as were known have been entirely upset by the enormous increase of expenses consequent upon the war, by the prevailing spirit of extravagance that characterizes almost all corporations, and by the competition among the companies themselves, which tempts them to pay enormous commissions, and to spend almost incredible sums for advertising, agencies, and kindred machinery. It is confidently asserted that of all the New York companies not more than two have succeeded in keeping their expenses within the limit upon which their premiums are calculated, and that all the rest are actually every year, by their excessive expenditures alone, and without taking into account other deficiencies and errors, eating into their substance and preparing themselves for irredeemable insolvency.

We cannot better close this article than by copying the following note of warning from a speech of the English ex-Secretary of the Treasury, Mr. Gladstone, delivered in the House of Commons some time in 1864—a speech which did more than anything else written or spoken to reconcile the English people to the system of national life insurance advocated by him:

"Consider for a moment the peculiar nature of life assurance. This is a business that presents the direct converse of ordinary commercial business. Ordinary commercial business, if legitimate, begins with a considerable investment of capital, and the profits follow perhaps at a considerable distance. But here, on the contrary, you begin with receiving largely, and your liabilities are postponed to a distant date. Now, I dare say there are not many members of this House who know to what an extraordinary extent this is true. When an institution of this kind is founded, so far from having difficulties at the outset, that is the time of its glory and enjoyment. The money comes rolling in, and the claims are at a distance, almost beyond the horizon. In the first year of the society the premiums far exceed the death claims. This is also the case in the subsequent years. For how long a period does the House think the premiums to be received are in excess of the death claims? For thirty-seven years."

#### "FINIS POLONIE."

A FEW weeks ago a cable despatch informed us of the final absorption, by decree of the Czar, of the Polish provinces of Russia in the body of that empire. Thus Russia's part in annihilating the once powerful kingdom of Poland, begun by an armed intervention of the Empress Catharine II., in 1767, ostensibly in the interest of religious liberty, has been consummated, after a full hundred years, by Alexander II., her great-grandson. In order to understand the right meaning and the import of this consummation, in its bearings upon the question of

the further existence or non-existence of the Polish nationality in general, as well as other East-European complications, it is necessary to cast a glance upon the history of the various dismemberments of Poland, the actual condition of the severed parts, and the present relations of the dividing powers to each other.

By the first partition of Poland, executed in 1772-73 by Catharine, Frederic the Great, and Maria Theresa, or rather her son, Joseph II., Russia received some territories of the Grand-Duchy of Lithuania situated on both sides of the upper Duna and Dnieper, and now included in the governments of Vitepsk and Mohilev; Frederic annexed the bulk of Royal or West Prussia and some adjoining parts; Austria took the extensive territories now forming its province of Galicia, besides some minor ones. The second partition, in 1793, gave Catharine the Lithuanian, Volhynian, Podolian, and Ukrainian territories, now forming or embraced in the governments of Minsk, Zhitomir, Podolsk, and Kiev; Frederic William II. took Posen and other parts of Great Poland, Dantzic, and Thorn; Austria received no share. In the final dismemberment of 1795, which followed the insurrection under Kosciuszko, Catharine took the remainder of Lithuania and Volhynia (Wilna, Grodno, etc.); Francis of Austria the districts lying between the Bug, the Vistula, and the Pilica; and Prussia all the rest, with Warsaw, the capital.

For twelve years the name of Poland remained effaced from the map of Europe. A partial restoration took place in 1807, when Napoleon, having vanquished Prussia by the battles of Jena and Friedland, and compelled her to accept the humiliating terms of the treaty of Tilsit, transformed the larger part of her share of Poland into a Duchy of Warsaw, at the head of which he placed Frederic Augustus of Saxony. This new Polish state, enlarged in 1809 by parts of Austrian Poland, fell on the retreat of its founder from the disastrous campaign of 1812 in Russia, and was held during the deliberations of the Congress of Vienna by the armies of Czar Alexander I. By the final decision of that assembly Prussia received back a part of her share, including the present Grand-Duchy of Posen, while the bulk of the Duchy of Warsaw was annexed to Russia, as a semi-autonomous constitutional state, under the name of the Kingdom of Poland, the river boundaries of which were the Niemen, the Bug, and the Prosna. Only the town of Cracow, with its surrounding territory, was constituted a nominally independent Polish state, under a republican form of government. The arrangements of the Congress of Vienna, to which some of the powers gave their adhesion only with reluctance, thus contemplated and stipulated the continued existence of the Polish nationality, but only on the ruins of Poland.

The aim and hope of the quartered nation, however, continued to be the recovery of its national life and independence throughout the vast domain of its ancient fatherland. This natural tendency, which constantly manifested itself in agitations and demonstrations of a more or less threatening character, soon led to reactionary and repressive measures on the part of the dividing powers, in violation of promises, constitutional pledges, and treaty stipulations. The total or partial denationalization of the Polish provinces gradually became the object of the rulers, conspiracy the weapon of the oppressed. Bloody insurrections and cruel chastisements were everywhere the result. The Russian Kingdom of Poland had its grand revolutionary tragedy of 1830-31, which cost it its national army and its constitution, in spite of marvels of heroism; Galicia, its outbreak in February, 1846, immediately stifled in the blood of its nobility, victims of a terrible *jacquerie*; Cracow, its short revolutionary drama of the same month, which terminated with the annihilation of the republic and the annexation of its territory to Galicia, in open violation of the treaties of Vienna and in spite of protests from France and England; Posen, its wild fight of 1848, under the lead of Mieroslowski, after which it remained, bleeding and exhausted, a helpless prey of the Germanizing power; Russian Poland, again, its desperate insurrection of 1863-64, which drenched its soil with blood hopelessly shed, filled Siberia with victims, and in some provinces almost entirely broke the Polish element.

The territories occupied by Russia on occasion of the first dismemberment became denationalized almost as soon as detached from their former connection, this, too, having been based on the right of conquest, and the bulk of the population being more Russian than Polish.



Nearly the same was the case with the provinces annexed by Catharine in 1793. Neither was the predominant religion in these two divisions—the Greek United Church—an obstacle in the way of Russification. Descendants of Orthodox Greeks more or less violently converted by Polish masters or Jesuits, a part of the inhabitants were easily persuaded or compelled to return to the creed of their forefathers, wholesale conversions taking place chiefly during the reign of Czar Nicholas. It was also this monarch who made the first efforts for denationalizing the Lithuanian and Volhynian provinces occupied in the third partition, efforts contrary to the policy of his milder predecessor, Alexander, and stimulated by the dangers with which the widespread rising of 1830–31 threatened the integrity of the Russian empire. These efforts were successful among the mixed rural population, but less so in the towns, in which the pure Polish element prevails. But determined, as he was, to crush any new attempt at insurrection with the iron hand, Nicholas never endeavored to destroy or impair the Polish nationality in the Kingdom of Poland, created by the Congress of Vienna, though he arbitrarily abrogated its constitution. He left it its separate existence, under a viceroy, with a separate administration, separate finances, and a tariff of its own, protective even against the competition of the other provinces of the Russian empire. The language of the administration, of the courts, of the schools remained the Polish, the rights of the Catholic clergy remained almost unimpaired.

The early years of the reign of his successor, Alexander I. were characterized by still greater mildness in the government of the Kingdom. But when the stimulus given to patriotic enthusiasm by the inspiration of a reviving press, and still more by the events of 1859 and 1860 in Italy, followed, as they were, by liberal movements in Hungary and Galicia, brought about a series of national demonstrations in favor of a reunion of all Polish provinces under a free government; when the exertions of Marquis Wielopolski to win over his countrymen to the cause of Panslavism under the lead of the Czar not only proved a failure, but led to outbreaks of repugnance, the Russian Government soon again returned to measures of vigorous repression. The most violent of the latter, the wholesale conscription of the patriotic youths of the cities, finally led—perhaps not unintentionally—to the internecine struggle of 1863–64. Of small beginnings, this desperate strife soon assumed vast proportions, and when transient threats of interference by France, England, and even Austria added to its magnitude, the existence of Russia as the great empire of Eastern Europe seemed for a moment to be again in question. This unwonted hostile interference, the religious character which the struggle assumed in some parts, its extent and duration, the appeals of an otherwise liberal prince, of a frantic priesthood, and a no less frantic press, lately unshackled—all combined to exasperate the Russian people to a degree never experienced before. Aristocrats and freedmen, serviles and radicals, vied with each other in sacrifices for their empire, religion, and Czar; the threats of foreign powers were spurned, and the insurrection was crushed. But this time the mere crushing out of rebellion was not deemed sufficient. The Polish nationality altogether was now doomed, by the demands of the Russian people as well as by the undisguised policy of the Government, to total and final destruction. The gibbet, Siberia, confiscation, conscription, and all the means of refined despotism aided by popular fanaticism, were to do the work—and it is now being executed without mercy, without regard for treaties, for national, religious, or private rights, or for the opinion of the world.

In Lithuania and Volhynia this work—of expatriation, dispossession, and denationalization—is nearly complete. It was executed by a few bold, rapid, and deadly strokes. In the Kingdom of Poland, however, where the task is immensely vaster and the difficulties immeasurably greater, no less sweeping but milder measures, more numerous and subtler means, had to be used for the achievement of the same object. Landmark after landmark was removed. The Catholic clergy were deprived of a large part of their institutions, and subjected to a rigorous surveillance; the nobility were deprived of all influence in public affairs; all higher offices were filled with Russians; the Russian language replaced the Polish in the bureaus, the courts, and the schools; the Polish press was gagged; every branch of the administra-

tion was remodelled after the Russian pattern; the government and district divisions were repeatedly altered and received new names; the internal tariff lines were abolished; the financial system was assimilated to the Russian; the separate existence of the Kingdom was made first entirely illusory, and then altogether nominal; and now, we are informed, even the shadow of its existence has been swept away, even the name has been effaced; Russia contains no Poland any more, no Polish provinces, but among her governments some hewn out of Polish ruins.

This final step Russia, we believe, would have delayed longer, from her wonted prudence and slowness, and perhaps also from regard for public opinion abroad, had not recent changes in the political complexion of Eastern Europe, consequent on the war of 1866, quickened her impulses and actions. It is true the late increase of Prussia's power has not altered the attitude of that monarchy towards Russia, and least of all, perhaps, in the Polish question; and Bismark, with his well-known cynicism *à la* Frederic the Great, has but lately declared Poland to be a phantom living only in heated brains. It is true the national position of the Poles in Prussia has become but more difficult and more untenable for the enlargement of that kingdom and the creation of the North German Union. But the sudden, thorough, and vital metamorphosis of Austria after its late defeat; the total change of system in that empire, which has placed its new foundations chiefly on the sympathies and needs of the Hungarian and Polish elements, but late so hostile to its existence; the reorganization of Galicia on a Polish national basis, simultaneously with the restoration of the Hungarian constitution; the security of the permanence of this new system which lies in the common peril to those nationalities and Austria in Russia's no-longer-hidden Panslavistic tendencies; the hostile attitude of Austria in the Turkish question, backed, as she is, by the sympathies of both France and England; the approaching crisis on the Danube; the danger of a general conflagration; and, finally, the reviving hopes of the Poles—these considerations urge Russia to finish her work in her Polish provinces thoroughly and speedily; and to the song, "Poland is not yet lost," already resounding anew on her border, she hastens to answer, "Finis Polonia!" To prove the correctness of these words, she must conquer Galicia.

#### HERALDRY IN CONGRESS.

MR. CHANLER, of New York, proposes that Congress should levy a tax on armorial bearings. We, for our part, do not say no, though we are not in ardent sympathy with Mr. Chanler's probable motive in making the proposal. He was sacrificing, we take it, to the Genius of Democracy as he understands it. As we understand it, the Genius of Democracy does not delight in such offerings. To trample on coat-armor in presence of the simple and stern republicans of our Sixth Ward is not a more genuine tribute to the grand truths of the founders than the late Mr. Cass's appearance on the Bowery stump in his shirt-sleeves; or than the apparition of Mr. Belmont's Federal-Republican dress-coat amid the despotic governments of the Hague; or than it would be for the United States consul at Barbadoes to go barefoot, because in that island a man is set down as rather aristocratic if he wears shoes and stockings. Our America, so far as we know her true nature and her better mind, no more asks than she needs that her sons should render her any such aggressive services as these. We believe she does not ask too much thought as to what her children shall wear, and that she is as serene in her contemplation of Kings of Arms as we know her to be in her contemplation of real potentates. Real potentates, we say, for it is true that in most countries the professors of the science of heraldry are falling into disesteem; and the science itself, devoid now of most of its old significance, tends towards disuse. In England, where pedigrees are probably the longest of any in Europe; where arbitrary conventional distinctions have had most of the real substance of power behind them, heraldry has already fallen into almost hopeless decay. Every Briton who wants it enough to buy it, or be at the trouble of inventing it, can provide himself with a coat-of-arms; Melchisedec himself, "without father, without mother, without descent," if he were now alive, and lived in England, and cared to make application to the College of Heralds, could purchase hereditary ensigns armorial; or, if he preferred it, could put on his panels a device of his own manufacture, and there would be nobody to say him nay. Mr. Chanler then need not give himself over-much uneasiness about these in-

signia; they mean so much less than they meant once that the austere foe of aristocracy is not called on to go out of his way to attack them.

Then there are other persons, it seems, who have been giving this subject some consideration, and who, for other reasons than those which we have conjectured to be Mr. Chanler's, have come to his conclusion. They are the genealogists. Mr. W. H. Whitmore, who is one of them, and perhaps the one of them most learned in heraldry, has recently published a pamphlet, in which he argues in favor of Mr. Chanler's plan, and gives us the rough draught of a bill to carry it into effect. He would have Congress prohibit the use of coat-armor to all but those citizens who pay an annual license-fee—say ten dollars. He would make the person intending to assume a coat-of-arms, or the person already in possession of one, file a description of it in the United States District Court, paying for the privilege of entering it a fee of not less than fifty dollars—provided, however, that no military or naval officer, or person who has ever been such, be compelled to pay anything for recording his arms. Private soldiers also, and seamen, he would, we suppose, be willing to exempt from making this payment. He would insist that the date of the year when the arms are assumed be made a necessary part of them; and this could be conveniently done, he says, by painting the figures on the scroll at the foot of the shield. In the case of the arms of military and naval men, who had shown especial gallantry in some battle, Mr. Whitmore would allow the name of the battle to be substituted for the date of assumption. Finally, he would make an infraction of the law punishable by a fine of five hundred dollars.

Mr. Whitmore's reason for urging legislation on this subject it is not very hard to guess. What he really wants is that Congress should take on itself the duties of an efficient college of heralds, and protect the possessors of hereditary coat-armor in the undisturbed enjoyment of it. Doubtless he cherishes the hope that, even in case the law he desires should fail to create and foster an American heraldry, it would at least put an end to the degradation of the noble science by prohibiting that mournful aping of foreign heraldry which has been prevalent for generations in this country. Now to us, we confess, the heraldic transgressions of our fellow-citizens are not on the whole really afflicting. On the contrary, we discover in ourselves amusement rather than genuine grief when they are brought to our notice. When we are told that an American lady is persuading her husband to adopt a pretty pattern of an escutcheon, with a neat bend-sinister among its bearings, we always say, Let her. Almost nobody has any clear notion of what is meant by the charge in question; and of those who do know so much, almost everybody is unable when he sees it to take his oath that it really is a bend-sinister; so for her purposes the shield of her choice is as good as any other. And for referring the matter to her own choice, she has as good authority as she needs; nearly every one of the States of her native Union displays armorial bearings as entirely fantastical and as little amenable to heraldic law, or any law but its own liking, as was the whimsical coat-armor of a Norman of the time of the Conquest. But such blunders shock Mr. Whitmore, and he no doubt is often shocked by other blunders to the commission of which there go an equal amount of ignorance and rather more of what a herald would call impudence. We should freely forgive a coal-man who should assume arms of dominion, or a *feme sole* who should undertake to bear arms of community, but Mr. Whitmore would certainly punish them severely if he could get the law of them. A sight of the service of plate presented to Mr. Supervisor Tweed the other day, adorned with the Marquis of Tweeddale's arms, would affect him most unpleasantly.

For, as a genealogist, he has found a knowledge of heraldry serviceable to him in his researches amid the obscurity of family histories. It is natural and proper, then, that he should rate his knowledge at a high value. And it is not surprising—for we observe that it constantly happens in the case of men who are masters of any branch of rare or occult learning—that he should set a somewhat exaggerated value not on his knowledge only, but on the very subject-matter of it. The antiquary is proud of the knowledge he possesses in regard to the old Roman wall, or the Indian mound, or the Greek coin, and this is not odd; but it is a little odd, or rather it is not purely reasonable, that he should entertain, as he is very sure to entertain, a particular affection for the coin itself, and for the bit of ground that contains the relics of the fort or the sepulchre. As we suppose, it is to this feeling, due to his special knowledge of an out-of-the-way subject, that we owe Mr. Whitmore's advocacy of Mr. Chanler's measure.

Expectations of the usefulness of heraldic distinctions in the United States would not in themselves, we imagine, be of force enough to lead any one to attempt breathing into the system, never vigorous here, the breath of new life. Perhaps the age of chivalry has passed away; only perhaps, for it is only perhaps that any such age was ever here. But it is as certain as that

we have newspapers and co-operative stores, that the age of the showy externals of chivalry as the badges of class rule is gone beyond recall, and that if it were possible to bring it back this is not the country likely to witness its resuscitation. It will be a good while before we see Grant and Sheridan and the rest of our fighting-men boxed up in iron. And till we see that we shall not see them painted on the outside in streaks and other striking figures; or, in other words, we shall not soon reinvent coat-armor. And till we have done that, and, furthermore, have accepted the doctrine that a citizen is to be honored not for his own worth to the State but for his father's, we shall not transfer the labels of our warriors from their full dress uniforms to escutcheons which shall serve their descendants as war-rants for ruling over us. And till we have thus reinvented escutcheons and then behind them as symbols put something of the substantial power, and remodelled our political and social system, we shall not get respect for armorial bearings from any American except such a one as in some special way has hooked himself to the past, or such a one as may pretty justly entertain a contempt for the specimen of republican most intimately known to him.

But though neither Mr. Chanler's nor Mr. Whitmore's theory of burdening coat-armor commends itself to our minds; though we should decline to tax it with a view of punishing the bloated aristocrat, or teaching him a lesson in sound democratic doctrine; and though we should decline also to tax it with a view of preventing the desecration of chivalric signs that all men ought to employ with reverent care; still we are far from denying, as Mr. Whitmore at least does, that a tax may not be justified on general principles. We should lay it down for true, that shields being assuredly needless luxuries, and the United States being assuredly in need of a revenue, there is sufficient reason for Congress, if it chooses, to impose a tax. It is saying nothing, we hold, to say with Mr. Whitmore, that government cannot in decency derive revenue even from the foolish vanity of the citizen, unless it renders him some special service in the matter of gratifying the particular form of vanity which it taxes. This principle he lays down, in order to deduce from it the rule that Congress is under obligation to guarantee undisturbed possession of a taxed coat-of-arms to the man who pays the annual ten dollars for the right to display it. But what particular service to the citizen as smoker does government render to the man who pays for his cigar two prices—one in payment to the dealer, and one by way of contribution to the revenue? He shares in the general shadow of the eagle's wings; he has around him forts and arsenals, and the army and navy of the Union, to secure him that immunity from the attacks of foreign despots which is essential to the highest enjoyment of manufactured tobacco in any of its varieties; but he gets no peculiar return for his disbursement to the collector. Indeed, in the case of any pursuit whatever, purely luxurious or entirely otherwise, governments in levying taxes do not at all necessarily commit themselves to the proposition that such pursuits are worthy of protection. They may be worthy or unworthy; it is sufficient that they are in existence, and that revenue can expediently be extracted from them. So our government, in putting an impost on the use of heraldic devices, might be far enough from informing the civilized world that it assented to the general agreement as to the meaning of certain combinations of marks, and equally far from promising the man who paid a tax on some such combination that nobody else should engrave it on his spoons, or paint it on his carriage door, or prick it into his forearm with india-ink. It is quite within the competency of Congress, we take it, to tax a gentleman in Oil City for displaying the royal arms of England, without previously expressing any opinion on the question whether or not the Garter King at Arms would recognize his right to use them.

However, we do not anticipate or strongly recommend immediate Congressional action on this subject. There are other courses open. A judicious modification of the tax on whiskey, and something sagacious in the way of a civil service act to provide for a supply of tolerably honest officers of internal revenue, will enable us to get on for a good while yet without any Bureau of Heralds in the Treasury Department. Besides, we don't mind confessing, no matter what we have said, that we have a little regard left for heraldry.

#### ENGLAND.

LONDON, March 27, 1868.

THE political situation just now is so remarkable that I must say a few words upon the subject. The main results of the Irish debate may be said to have been these: Mr. Bright made a speech distinguished by his usual eloquence and by more than his usual moderation. The effect may be judged of by the simple fact that the *Saturday Review*—generally most bitterly opposed to him—now declares that no Liberal ministry could be com-



plete without him; and not only this, but that he would be an excellent corrective to some of Mr. Gladstone's eccentricities. But is a Liberal ministry probable? In the Irish debate one point was brought out with great distinctness, namely—that all sections of the Liberal party, from Mr. Lowe to Mr. Mill, unite in nothing else, but unite in condemning the Irish Church Establishment. It became almost necessary, as a test of the sincerity of the party, that a motion should be introduced pledging Parliament to the abolition of the Establishment. As the Liberals are theoretically in a majority, they ought to be in a position to carry this motion without difficulty. The injustice of the present system is one of the primary articles of the Liberal creed, to which even Mr. Gladstone, in spite of his ecclesiastical sympathies, has given his unconditional adherence. But the practical difficulty depends upon this, that Mr. Disraeli can threaten the expiring Parliament with a premature dissolution. He can say: "You must, under all circumstances, come to an end next spring to allow the new constituencies to vote. You have an immense deal of business to transact, financial arrangements, educational changes, Irish and Scotch Reform bills, and a variety of other matters of less importance. Now, if there is a majority against the Government, and I dissolve Parliament, all this business will be thrown out of gear; you will have to go to your constituents and spend heaven only knows how much on a new election, and all for a life of only a few months before a new dissolution. In short, I can fine you heavily for your disobedience, and put all the country to great inconvenience." These threats, which are more or less obscurely made, have a great influence upon the weaker members of the Liberal party. A large proportion of them would be heartily glad of a good excuse for postponing the decision. The question is, whether Mr. Disraeli, as a skilful tactician, will be able to furnish them with some pretext for evading the point, or whether Mr. Gladstone and the constituencies will succeed in bringing the refractory members up to the mark. At present the result is admitted to be uncertain. This power of dissolution is one which gives a minister great advantages occasionally towards keeping his party in order and frightening his opponent. It may, as in this case, produce a very awkward result by substituting personal considerations for the plain political issue. We generally consider, in England at least, that the power of dissolution offers advantages as compared with the American system of giving a fixed term of life to a legislative assembly. The question, however, is open to discussion by constitution-mongers, and our present complication may afford some hints for one party in the dispute.

I will now turn to the question, noticed in my last letter, arising from the report of the Education Commission. Two or three discussions have taken place in Parliament, and Government have produced their scheme for primary education, of which it can only be said that it is a disappointment to every reformer. It proposes to do little beyond modifying in a very slight degree the existing system. Still less have we any satisfactory proposals as to the improvement of secondary education; and it is pretty evident, from the report of the Education Commission, that there is at least as much room for improvement in this as in other branches of education. I do not know whether American readers are sufficiently aware of the merits of English blue-books. They have a proverbially bad name for dulness; but I really do not know where greater masses of useful information are to be found, and often in a very entertaining form. The present book is a most elaborate and admirably-written report, giving the fullest details as to English education, in a compressed and yet very intelligible shape, and backed up by an enormous mass of evidence from England, with smaller reports from France, Prussia, Switzerland, and America. If any one wishes to understand our university system, I could not do better than refer him to the report of the Oxford and Cambridge commissions of (about) 1854; for the elementary education, the fullest details may be found in a similar report of 1858; and our great public schools, Eton, Harrow, etc., have been described in another report published about two years ago. The gap between the parish schools and Eton is filled up by the present blue-book, and it is one of the most curious illustrations of the kind of work which administrative reformers have still to accomplish in England. It will, as the commissioners themselves say, take years to bring our secondary schools into really good working order, and the cause of their present chaotic condition is instructive. It may be described, shortly, as the total absence of organization. Self-government is an excellent principle when it means that people really take an interest in their own affairs, and are capable of conducting them. When it simply implies that they do not manage them decently, but won't let any one else interfere, it is not so obviously desirable; and nothing can be plainer than that in every department of life we require more centralization and better system. We have proceeded in the spirit of letting things alone till a good deal of our social machinery has become terribly rusty and disjointed. Take these schools for example.

First, there are the old grammar-schools, some of them dating back nearly from the time of William Rufus, and with considerable endowments. In their statutes are still to be found regulations for paying the master "potation money" and "cockpennies." The first name explains itself. A cockpenny was the subscription of the scholars to get up a kind of benefit for the master. He took the pence and provided the cock-fight, the balance of profit forming part of his regular pay. This and other queer regulations have of course fallen into decay, but we still keep as close as possible to other rules made in the state of society indicated by this ingenious provision. Naturally they don't suit the times. Some of the schools have fallen into utter decay. At Thame, two masters with good salaries and a house are employed in teaching one boy. At another school the trustees, on being asked why no pupils were to be found, replied by producing a photograph of the master—which fully accounted for the absence of scholars. At some towns there are very large charities which tend actually to spoil the education. Education is given free to any inhabitant. The endowment is not sufficient, however, to provide good masters. The competition of the free school prevents private schools from competing, whilst the education offered is worse than that in the ordinary national schools. The only people who profit are the landowners and clergy, who would otherwise subscribe to set up a decent school. At other places, again, a successful school gets a reputation and immediately sets up as a classical school of the highest class. It thus ceases to give what is wanted by the middle classes, and becomes a second-rate rival of Eton and Harrow. There is no system of inspection, and the master of an endowed school holds his place as a freehold, from which he cannot be ejected, however incompetent.

The endowed schools are thus bad in themselves, and very unequally distributed over the country. The commissioners declare that, unless reformed, they will do more harm than good. The deficiency is partly supplemented by a large number of private schools, some excellent and some execrable. The great difficulty is that, in the absence of any efficient system of inspection, the parents cannot distinguish between good masters and bad; and the advertising scholastic quack has as good a chance as the really able master. Moreover, the want of any combined system has left a singular deficiency of schools at one important part of the system. The better class of artisans and the small tradesmen and farmers are almost without any decent provision. This is especially important in regard to our manufacturers. It is now constantly pointed out that we are losing ground in competition with foreigners because there is so little chance of attaining a reasonable technical education. The education given in elementary schools is said to be better than that of the several strata immediately above them; but it is a difficulty that, owing to class prejudices, the small farmers and tradesmen refuse to send their children to the same school with their laborers. Some recent experiments tend to show that this prejudice may be surmounted with less trouble than has been supposed; but it is one element of trouble in all our educational arrangements.

The commissioners propose to remedy these defects, or rather to begin to attack them, by a rather complex piece of machinery. The main features of their proposal are to form certain county boards which may divide existing schools into three grades, each of which shall be compelled to restrain itself to its proper province, to allow a rating system for the supply of new schools where wanted, and to provide for an efficient system of inspection and examination. That all these things are extremely advisable is obvious without much argument. That they should have been hitherto so utterly neglected is the natural result of the happy-go-lucky way in which we had trusted to "laws of supply and demand," or, in other words, to the unassisted efforts of individuals to establish a satisfactory system. But whilst people are talking about the Irish Church and about reform and about the Abyssinian expedition, it is difficult to persuade them to pay any attention to the claims of our children to a decent amount of knowledge. The middle classes have since 1833 been the ruling power in England. It is curious that they have never used their power to provide themselves with a tolerable set of schools, but, on the contrary, have allowed themselves to remain the worst taught in proportion to their needs of any class of the community. The phenomenon suggests some problems which I leave to others to consider.

## Correspondence.

### THE WEST AND REPUDIATION.

TO THE EDITOR OF THE NATION:

I admire the earnestness with which you fight the phantom of Western repudiation, and rejoice in the conviction that if it were a thing existing in

the flesh you would very soon make it throw up the sponge; but I begin to think it a pity to see so much hard hitting wasted on the empty air.

There is certainly no party in Illinois, nor are there many individuals, in favor of repudiating the principal of the national debt. The idea of refusing to pay interest, or, in other words, of taking up the interest-bearing bonds with greenbacks bearing no interest, was talked about here, as it was in your neighborhood, and was countenanced by a few men of all parties for a time; but it has not been adopted by the Republicans, nor will it ever be adopted by them, if one may judge of the future from present appearances. Democrats of the Copperhead stripe would put that idea into the creed of their party if they could, and possibly they may be able to do so; and in that event they will be beaten by greater majorities than ever.

My information is derived from the reading of many Western papers, and the hearing of many speeches made by Western politicians; and it is my belief that what I have stated as true of men and parties in Illinois is true also of men and parties generally in the Mississippi Valley north of Cairo. The Indiana resolutions are already seen by the Republicans of that State to be wrong in principle, and have been substantially abandoned by them.

We believe improvements can and ought to be made in the financial affairs of the country. We think the United States ought to be able to borrow money at as low a rate of interest as any nation or corporation or man can borrow it. We want to see the national credit established in the estimation of all lenders of money, so that they will pay a higher price from week to week for our outstanding bonds, until the bonds begin to bring a premium over gold; and then we want a new class of bonds, bearing a lower rate of interest, put upon the market, and the proceeds used in paying off the present ones. To this end we should be glad if Butler and Stevens, and all such wise men of the East, would make an end of calumniating the West, and devote their talents to praising somebody—themselves, if they can praise no one else. To the same end, we want the current expenses of the Government reduced to a minimum, and the management of the revenues committed to honest men.\*

If it be true, as Butler says, that nine-tenths of the bonds are held east of Lake Ontario, and if it be true that we are paying a rate of interest higher than the average rate paid by other nations, it would seem natural that attacks on the public credit should come from the East rather than from the West. When money-lenders are getting extraordinary interest from a responsible customer, they are liable to the temptation of hurting his credit with other lenders. Have you people east of Lake Ontario got a good thing, and are you trying to keep it by blackguarding the rest of us? If that is the little game, the check of Messrs. Butler and Stevens must reach at least to the shoulder.

Get more and better information, Mr. Editor, and you will rest assured that no man who advocates repudiation in any form can receive the support of the West for any office or place of trust.

S. C.

PROBIA, Ill., April 7, 1868.

## Notes.

### LITERARY.

MESSRS. HURD & HOUGHTON announce "The Charities of New York," by H. G. Commanse and H. W. Camp.—D. Appleton & Co. announce the sixteenth volume—the last but one—of their cheap, paper-covered, "Plum-pudding edition" of Dickens. It is "Bleak House," and "Little Dorrit" is to follow. The equally cheap edition of Scott has reached the fifth volume, which contains "The Antiquary"—the favorite of the middle-aged and judicious. It is bound in tartan-plaid, as will be its successors, the twenty volumes which will complete the set. On the 11th of April the same house published "Not Wisely, but Too Well," by the author of "Cometh Up as a Flower"—of which latter the publishers say, "No work since 'Jane Eyre' has met with greater success"—a bold assertion. What, for example, would Messrs. Appleton say to Messrs. Ticknor & Fields, who declare in *Every Saturday* that more than one hundred thousand copies of "Mugby Junction" were sold in this country alone, and that the sale of that particular work of Dickens's was comparatively small? On the 18th of April Appleton & Co. add to their "Globe" editions of "Dante" and "Tasso" the "Globe" "Hudibras," and to Louis Figuiers's other works on natural history his newly-translated "Ocean World: a Descriptive History of the Sea and its Inhabitants." On the 25th instant the translation of Max Ring's

\* Our correspondent can hardly refer to the Secretary of the Treasury. Our belief is that we have never had, and are not likely ever to have, an honest man in that position. If Congress would place at his disposal, by reforming the Civil Service, a force worthy of him, we should have little to complain of either on the score of honesty or efficiency.—Ed. Nation.

historical novel, "John Milton and His Times," will appear, embellished with eight designs by Gaston Fay.—Robert Clarke & Co., of Cincinnati, propose to publish a series of works relating to the early history of the valley of the Ohio River. This part of the great Mississippi Valley includes Western Virginia, Western Pennsylvania, Ohio, Kentucky, and Illinois, and its early history must tell of explorations by missionaries and hunting pioneers; of intrigues of the French and English for its possession; of wars with the Indians, and of the labors of settlement. Messrs. Clarke & Co. do not intend giving us the artistic history, or even the consecutive annals, of the valley; they rather hope to make a collection of materials for history. They express themselves astonished at the amount and value of the material which they have found accessible in print and manuscript, and as parts of the series which they have begun—and which everybody will hope they may find as profitable to them as it is honorable to them to have undertaken it—they are already able to announce these works: "An Historical Account of the Expedition against the Ohio Indians in the year 1764, under command of Henry Bouquet. By Thomas Hutchins;" "A Topographical Description of Virginia, Pennsylvania, Maryland, and North Carolina, comprehending Rivers Ohio, Kenhawa, Sioto, Cherokee, Wabash, etc. By Thomas Hutchins. 1778;" "The Journal of a Tour into the Territory North-west of the Alleghany Mountains, made in the Spring of 1803, with a Geographical and Historical Account of the State of Ohio. By Thaddeus Mason Harris. 1805;" "A Topographical Description of the State of Ohio, Indiana Territory, etc. By Major Jervis Cutler. 1812;" "History of the Late War in the Western Country. By Robert B. McAfee. 1816;" "A Collection of Some Interesting Narratives of Indian Warfare in the West. By Samuel C. Metcalf. 1812;" "Topographical Description of the Western Territory of North America. By G. Imlay. 1797;" "Discovery, Settlement, and Present State of Kentucky. By John Filson. 1784." The maps and other engravings in these works will be carefully reproduced in fac-simile, by the photolithographic process.—Messrs. John Wiley & Son announce "Lectures on Ventilation," by Lewis L. Leeds, who is the agent of the Government in the matter of ventilating hospitals and heating and ventilating the Treasury Department buildings. "Man's own breath," says Mr. Leeds, "is his Great Enemy."

—As an aid to the formation of sound public opinion on a matter which we have treated at more length in another part of this week's paper, we are glad to refer the reader to an article entitled "The Public Land System," which appears in the *American Law Review* for the current month. The writer does little more than set forth lucidly the law in regard to the acquisition of title by the settler; still he does do something more than that, and at any rate he clears the way for a fuller understanding of the whole subject, for a more popularly effective treatment of it—a treatment which we hope it may receive in some of the larger periodicals for the general reader. Too much cannot be known about it, nor known too soon. Besides the article in question, the *Review* has an essay, readable, but too brief and too exclusively dealing with his legal career, on Lord Plunket. It is based on the excellent life of that very able man not long since published by his grandson. Other articles in the April number are on "The Legal Tender Acts: Their Constitutionality and Effect," and "The Liability of Common Carriers beyond their own Route."

—Some weeks ago we printed a letter—the manuscript of which we found on sale at Mr. J. W. Bouton's—that was written by Thackeray to a friend of his in this city. We did not then give the name of the gentleman to whom the letter was addressed—Mr. W. D. Robinson—who now authorizes, indeed requests, us to do so. The original letter is still in the possession of Mr. Robinson, who is not responsible for its being made public except in so far as this: He lent it to Mr. Robert Balmanno, well known in London and in this city as having been an enthusiastic collector of literary curiosities, and Mr. Balmanno, doubtless without intention of passing it off as genuine, made a fac-simile copy. Rather, he made a copy almost in fac-simile; in the original the signature is "W. M. T.," while in the copy the surname of the writer is given in full. Mr. Balmanno dying, his copy passed with the rest of his collection into other hands, and now turns up as an original. Mr. Robinson is, of course, unwilling to appear as a revealer of private correspondence. We hope forgiveness for supposing him in a better world, and for our consequent publication of his friend's letter.

—The arrival in this country of Mr. Waterhouse Hawkins, of London, is a matter of congratulation among those aware of his claims to respect as an artist and naturalist. His knowledge of comparative anatomy is probably not excelled by that of any naturalist of the day, while his skill as an artist is equalled by few. This rare combination of talent has enabled Mr. Hawkins to be of great service in putting visibly before us extinct animals, of



which only a few fragmentary bones, found in the recent geological formations of England, are actually in existence. It was he who restored and built up in masonry, in their natural proportions, the *elephas primigenius*, the Megatherium, the Iguanodon, the Megalosaurus, and other monsters of the past. To do this it was necessary to possess an intimate knowledge of comparative anatomy, as, in some instances, no more than a bone or two could be obtained by the artist for his guidance. The unlearned reader may form some idea of the size of these animals, whose effigies, so to speak, are now standing in the Crystal Palace Park at Sydenham, when told that Mr. Hawkins once entertained a party of twenty naturalists in the interior of one of them. At a recent meeting of the Lyceum of Natural History, in this city, Mr. Hawkins exemplified the methods he would employ for conveying to lyceum audiences a knowledge of his branch of natural science by such a skilful use of the black-board that the audience, although composed of cool, scientific men, frequently broke out into enthusiastic applause. It is to be wished that his abilities as a lecturer could be displayed before every lyceum audience in the country.

—"The statistics of New York," says Dr. Robert Hunter, "during the period of my former residence here show a diminution of fully thirty per cent. in the mortality from consumption alone." If this is so, and we are unable to say that it is not literally true, Doctor Hunter is a public benefactor of a high order. But we can tell him how to lessen the incredulity with which many persons will receive his statement: he might leave out of his little book from which we have quoted the thirty-six pages from p. 144 to p. 179, both inclusive. They contain evidence given before the Court of Queen's Bench, Westminster. But the evidence is that of Dr. Hunter's own witnesses, and of them only; there is not the first word from the other side. Now, to many persons who have not heard of Dr. Hunter's sanitary influence on the bills of mortality in New York, but who have heard a good deal of him as a party to a suit at law against the *Pall Mall Gazette*, it will seem as if it were a mistake on his part and on the part of the publisher to give us a mass of purely *ex-parte* testimony in his favor. To give none at all or to give all would seem to be the better course to take if such persons are to be made believers. And as "few parents," to quote again from Dr. Hunter's treatise, "are indifferent to the sufferings and health of their children," and as not many people are indifferent to their own sufferings and health, it strikes us that the omission of the pages we have designated is no more than may properly be demanded in the interest of fair play—fair play as between the physician and possible patients, fair play as between author and publisher on the one hand and readers on the other.

—Among late English books of interest we notice these: Lord Lytton's "Miscellaneous Prose Works," containing a number of his semi-philosophic essays; the Bishop of Oxford's life of his father, William Wilberforce; an essay by Dean Stanley on "The Connection of Church and State;" "Sermons Preached at Brighton," a second series, by F. W. Robertson; a new edition of Lyell's "Principles of Geology;" the second volume of the new edition of Robert Browning's works—which will be found to contain some poems with which Mr. Browning's admirers are not as yet familiar. The Reverend Orby Shipley has collected into a volume, with the title "Tracts for the Day," some of the essays which he, as editor, has been for two years or so putting forth for the edification of the school of Anglicans, known as "advanced," who go back, trampling, twelve hundred years for their doctrine and ceremonial. Unflinching Ritualism—priest, sacrifice, extreme unction, auricular confession, purgatory, seven sacraments: Ritualism, in short—may be found in this book fully presented within small space. "Doctor Campany's Courtship," by the author of "Doctor Jacob," is a book of short stories, highly praised by the critics, which may be expected soon in an American reprint. Two books that seem likely to be of much interest are a volume of essays by Mr. B. Cracroft and the fourth volume in English of "The Life and Writings of Joseph Mazzini." Among Mr. Cracroft's essays is one on "The Jews of Western Europe"—a most suggestive theme. Mazzini in this volume treats mainly of topics not political—if anything is non-political in his view—as "Dante's Minor Works," "The Philosophy of Music," "Carlyle's French Revolution," etc. He has also an essay on Carlyle as a philosopher, and expresses no very high opinion of him. Expressed, we should say, and not expresses, for the essay was written a score of years since, and what is now a fair statement of admitted facts was then a prophecy. Carlyle's irreverence for the established order of things was, of course, pleasing to Mazzini; and so were his sincerity and candor; and he saw that the writer of the essays on Diderot and Jean Paul and Voltaire subordinated the exterior life to the spiritual, and believed in the government of the visible by the invisible. But he saw, too, a defect which overbalanced these good qualities. He perceived,

what many besides discovered later, that Carlyle sympathized with all men indeed, but that it was with men as individuals, not with man; that he had no true sense of the unity of the race, and no belief in its progress. Thus, then, as he surveys life and history, "faith and discouragement alternate in his works as they must in his soul." He has his heroes, believes in them as incarnations, so to speak, of ideas; but he is devoid of faith in a "supreme idea," represented by the life of the race, in a divine law and in a human progress which embodies it; there is for him no order in the past nor hope in the future; hence his worship of force and success and his praise of victory as the divine intervention from which there is no appeal.

—Novel-readers who got a sensation as of something fresh and new when they made the acquaintance of Ivan Turgénief's "Fathers and Sons," will be pleased to hear that another of his very clever books has been translated into French. Its Russian title is "Daim," which means "smoke" or "vapor." The smoke and steam flitting past the window of his railway carriage seem to young Gregory Litvinof, in his despair, the best emblem of "his life, Russian life, all that is human, and especially all that is Russian." The romantic part of the book, the story proper, tells of Litvinof's love for Tatiana, and his twice unhappy passion for Irene Osinine—a woman who seemingly might be the wicked, or wicked, sister of the Madame Odintsof whom we met in "Fathers and Sons." But the romantic part of the book, delightful as Turgénief is in passages of poetry, is not the only interesting part of it, nor indeed the larger part. The scene is laid chiefly in St. Petersburg and Baden, and sketches of Russian character—of which also "Fathers and Sons" was full—make a great part of the book. The Russian democrat, the travelled Russian colonized in some headquarters of gambling, the progressive female Russian, the revolutionary politician, the "Holy Russia" Russian, are drawn by the vigorous hand that sketched for us Bazarof the Nihilist, and Paul Petrovitch, and Nicholas Petrovitch among his newly freed serfs. People likely to read "Fumée" are perhaps not likely to be carried away by the not very intelligent love for Russian things that is, or was, common among us. But Turgénief's descriptions of his country and their institutions will be profitable even to those persons who know enough of Russia not to be ardent Philo-Russians, and to many other Americans they will be the lifting of a veil, or like light in a dark place. It would take a very great many of the *Herald's* correspondent's peculiar Letters from our Iron-clad Fleet in the Baltic to give us much information of this kind; it relates to fines imposed by the Russian Government in Lithuania; on a citizen of Wilna for leaving a Russian church before the service was ended, 100 roubles, or more than a hundred of our paper dollars; on a tradesman, because a servant entering his shop asked him in Polish the price of oil, 25 roubles; on a house owner, because in frescoes adorning his house there appeared the figure of a crow, which the authorities pronounced the eagle of Poland, 500 roubles; on certain men who, without permission from the police, attended the funeral of a neighbor, 25 roubles each; on a lady for venturing to give, without permission, a ball to celebrate her daughter's marriage, 300 roubles—and that although each guest was provided with the necessary permit. Now Turgénief, who, let it be said, is far enough from being unpatriotic, and who by no means despairs of his country, helps one to see clearly the country which thus insults mankind by its paternal government of Poland. And surely information was rarely before so pleasantly conveyed.

—Times of revolution are almost always characterized by a spirit of superstition and prophecy. In 1848 many people saw with alarm the curious coincidence, noted by some enemy of the bourgeois king, as being contained in the figures of some of the notable dates in the lives of Louis Philippe and his wife, and the really remarkable way in which the sinister prophecy was fulfilled has only strengthened the superstitious belief in the potency of figures. Louis Philippe was born in 1773, his wife was born in 1782, and the pair were married in 1809. It will be noticed that the figures of each of these different dates foot up 18, which, added to 1830, the year of Louis Philippe's accession to the throne, gives 1848, the year of his abdication and flight from France in the guise of a *valet de chambre*. The prophecy caused at the time a good deal of excitement, and is now called to mind by a similar but doubly striking prophetic coincidence in precisely the same events in the life of the present ruler of France. Louis Napoleon was born in 1808, his wife in 1826, and his marriage took place in 1853. The figures of these dates again sum up alike, 17, and 17 added to the date of the Emperor's ascending the throne, 1852, give the year 1869, which therefore, if one likes, may for some months safely be set down as the year of dethronement for the Man of December. It is said that no French paper has yet dared to publish the prophetic figures—which seems credible enough.

## SCIENTIFIC.

**THE COAL-FIELDS OF THE FAR WEST.**—In the forthcoming report of the U. S. Geological Survey of Nebraska, Professor Hayden gives an account of the coal or lignite beds west of the Mississippi which cannot fail to attract the attention of all who are interested in the success of the several projected Pacific railroads, and in the development of the mineral and agricultural resources of our Territories.

One of these lines, the Union Pacific Railroad, has already struck the first range of the Rocky Mountains, more than 530 miles west of the Missouri River and within four miles of its highest elevation, and passes through a region where both iron and coal are found in workable quantities.

In the upper valley of the Missouri River and the Yellowstone there are beds of coal of even seven feet in thickness, which were known as long ago as the time of Lewis and Clark, but which will not be of much practical importance till the Northern Pacific Railroad is carried through that region. It is to the coal-beds of Dakota and Colorado that the mining interests of the far West, and the inhabitants of the vast and fertile but almost treeless plains, must look as a source of fuel. The advancing Union Pacific Railroad has created a new interest in these long-known deposits, for the coal of Iowa and Missouri is limited in quantity, and generally of inferior quality. In the Laramie Plains the coal-beds are from five to eleven feet in thickness, and occupy a basin of about five thousand square miles. This coal is of excellent quality, burns with a bright red flame, leaving scarcely any ash, and is as good as wood for domestic purposes, and, in fact, might be called condensed wood. Here and there there are seams of jet from one to twelve inches in thickness, which look much like cannel coal.

South of these beds, in Colorado, in the vicinity of Denver, there are others which are probably the most valuable in the West. In some places as many as eleven beds are exposed on the mountain-side, having from five to thirteen feet of thickness, and giving from thirty to fifty feet at least of solid lignite. They crop out in many places all along the eastern base of the mountains, and Professor Hayden estimates that they occupy, north of the Arkansas River, an area of not less than five thousand square miles. The coal is superior to ordinary Western bituminous coal, and ranks next to anthracite for domestic purposes. In a sanitary point of view it has the advantage that it produces no offensive gas or odor. Dr. Torrey, who has made an analysis of it, states that it contains a very large percentage of carbon, and is superior to lignite found in any other quarter of the world, and sees no reason why it should not be eminently useful for generating steam and for smelting ores. The real value of these deposits is seen when we reflect that they are of from ten to twenty thousand square miles in extent, and are in the midst of a region where, in all directions, for a distance of 600 or 1,000 miles, there is no fuel of any kind either on or beneath the surface of the ground. These beds are much younger than the anthracite beds of Pennsylvania, for they belong to the Tertiary, the geological period immediately preceding the present epoch, and there are no coal-beds west of the Mississippi older than these. They are found by examination to be composed of the remains chiefly of poplars, oaks, maples, hickories, lindens, buttonwoods, dogwoods, buckthorns, and magnolias.

**THE ANCIENT TREE OF TENERIFFE.**—Everywhere, both in the vegetable and animal kingdoms, we find ourselves in our investigations at a loss to arrive at the real essence of the vital principle. We witness its workings all around us and in us; and we are conscious of its existence even where there is total inactivity. As a latent life we find it concealed in the germs of plants, waiting for the proper time for its activity; and we have evidence of its great patience and endurance when seeds which have been long stored up in tombs and catacombs are restored to suitable conditions of soil and atmosphere. Dr. Lindley, the learned botanist, asserts that raspberry seeds, found in Celtic tombs, and which numbered at least seventeen hundred years of existence, germinated perfectly, and produced plants which still exist in the Horticultural Society's garden in London. M. Desmoulins says that seeds of heliotrope, lucerne, and cornflower found in some Roman tombs of the second and third centuries after Christ, when planted, germinated, flowered, and fruited; and in England patches of wheat are quite common, said to have been originally derived from seed obtained from Egyptian mummies.

There are instances where the vital principle has endured through ages and ages, excluded, in a great measure, from the natural changes of the atmosphere; but Hemmingway states that seeds of the elder germinated after being twice boiled in making wine, and remaining twenty months in the dregs of the cask; and Payen found that the spores of the red-mould, in the interior of barrack-bread at Paris, some twenty years ago, did not lose their vitality on being heated to a temperature of even 249° F., but germinated and produced red-mould or fungus.

It is not alone in the seed that we find this remarkable tenacity for life showing itself, but the vital principle possesses the same power of lying dormant in the plant, and of enduring great changes of temperature. The *Lewisia rediviva* of Oregon and California, of the Purslane family, will sprout when dried specimens have been two years or more in an herbarium; and Edwards and Colin found that some leguminous and cereal plants would bear hot water or air of a temperature of 167° F., and still germinate. Dr. Lyall, of the British Navy, immersed a specimen of *Lewisia* in boiling water to stop its growing propensity before drying it, and yet it showed symptoms of vitality more than a year and a half afterwards; and in 1863 it flowered in the Royal Kew Gardens. On the southern face of the Himalayan mountains dicotyledonous plants reach to about 17,500 feet; lichens are found as high up as the snow line of 19,000 feet; and some plants have been known to germinate after being subjected to a dry cold of 70° F. below zero.

This tenacity of life in the vegetable kingdom is sometimes shown in still another way. We can see no reason why exogenous trees, or those whose growth is all on the exterior, as oaks, elms, firs, and larches, should not live on for ever; for the bark is capable of indefinite extension, and each ring of annual growth soon becomes independent of all that is within, so that the death of the interior does not, so far as we can see, necessitate a diminution of vitality in the circumference; hence, as lumbermen know, the most vigorous looking trees are often hollow. But they also know that, in spite of theory, all the different kinds of trees have a certain average term of existence, and that it is not profitable to let them stand beyond a certain age, for they decrease in their rate of growth or laying up of woody material, and their vitality weakens.

But now and then an individual seems totally to disregard this law of growth, and to live on and on for ages, successfully resisting the attacks of time. When the Penthencourts, the French adventurers, conquered the Fortunate Isles in 1402, they found there a tree venerated by the inhabitants, the Guanches, of forty-eight feet in circumference, and of from twelve to fifteen feet in diameter; and in the same century, during the early periods of the Norman and Spanish conquests, we are told mass was performed at a small altar erected in the hollow trunk of the tree. When Humboldt ascended the Peak of Teneriffe, in 1799, he found this monarch had not materially changed in size since the fifteenth century, bore flowers and fruit, and seemed to be enjoying eternal youth; and a few years later he published a drawing of this tree, made in 1776 by F. d'Ozonne, which he discovered among the posthumous papers of the celebrated Borda.

It is an evergreen, with leaves clustered together at the ends of the branches, belonging to the same order with the asparagus and the lily of the valley. In the storm of July 21, 1819, it lost one side of its leafy top or crown. All travellers to Teneriffe visit this gigantic lily. In 1856 Mr. Bunbury writes: "The famous Dragon-tree of Villa de Orotava is still in existence; a ruin, indeed, but a noble ruin. The foliage is still fresh and vigorous; but the tree has been much shattered, and has lost many branches within the last few years; and a gentleman who has long known it is of opinion that it will not last another century."

And now the news comes that this King of the Monocotyledons, the *Dracena Draco*, is no more! Fenzi, of Florence, tells us that it was blown down, and charges the Spanish authorities with culpable negligence in not making an effort to prevent the destruction of this venerable historical monument by means of proper supports or props. He visited it a year ago, when it was still in good health, its crown covered with panicles of scarlet fruit; and its huge trunk, though completely decayed in the interior, sustained vigorously the spreading mass of fleshy branches and sword-like foliage.

It is the opinion of the most distinguished as well as the most cautious botanists, that this tree, which has fallen in our times, was probably 6,000 years old, and may have been one of the earliest wanderers from the Garden of Eden.

There are other instances of remarkably prolonged vitality among trees. In the autumn of 1860, Dr. J. D. Hooker, the well-known botanist, visited Mount Lebanon with Captain Washington, of the British Navy. They found the cedar grove, of four hundred trees, disposed in nine groups, on as many hummocks or ancient moraines of eighty to one hundred feet in height, which were formed when the climate was quite different from the present, and when the whole summit of Lebanon was covered with perpetual snow, and the basin in which the grove now is was filled with mighty glaciers. The oldest tree is forty feet, and, strange to say, the youngest is eighteen feet in circumference. Judging from a branch, which, by the use of the lens, was found to have one hundred and forty rings of annual growth in a diameter of eight inches, the oldest tree may be 3,500 years old; and Dr. Hooker thinks that the grove has not materially decreased since the days of Solomon.



The cedar of Lebanon has a wide range, being found on Mount Atlas in Northern Africa, and forming immense forests of imposing aspect in Central Asia and on the slopes of the Himalayan Mountains; for it is believed that these varieties all sprang originally from one form.

Of all trees in Europe, the yew probably attains the greatest age. One in Derbyshire, England, is thought to be over 2,000 years old; one at Fortingal, Scotland, is computed to have an age of from 2,500 to 2,600 years; and one in Bradburn churchyard, Kent, is said to be at least 3,000 years old.

Among African trees, Adamson thought the Adamsonia of Senegal reached an age of 6,000 years; but later travellers considered this estimate quite enormous, and reduced it by one-half, if not more.

During the past twenty-five years no trees have attracted so much attention on account of their size, grandeur, and age as the great Wellingtonia or Sequoia, of California. There are eighty-five of these mammoths standing on an area of about fifty acres; and the base of one, called "The Old Maid," which is over 26 ft. in diameter, serves as a dancing-floor. Professor Gay estimates the highest probable age of one which was felled about fifteen years ago, having a height of 322 ft. and a diameter of 29 ft. 2 in. at five feet from the ground, to be not over 2,066 years, or antedating the Christian era by two centuries. A portion of the bark of this tree was for some time on exhibition in the Atlantic States, and now stands, we believe, in the Crystal Palace at Sydenham. One of those still remaining has a height of 350 ft., and near the ground a circumference of 97 ft.; and some of the grove rise to a height of 200 ft. or more without a limb. The trunk of a tree lying near these has a cavity, for 250 ft. of its length, of from 10 to 12 ft. in diameter, being ample room for a horse and his rider; and it is estimated that this tree was 400 ft. high and 35 ft. in diameter.

There is another tree in California called the redwood, which is much slower in growth than this, and which some botanists think reaches a far greater age, though belonging to the same family; yet none of these are as old as even the hollow of the great Dragon-tree of Orotava.

#### PHYSIOLOGIES.\*

WE presume that, within the past five years, as many as thirty different works on physiology, designed for the use of families, schools, and colleges, have appeared in the United States; and we think we are not far out of the way when we state that the authors of most of these have each, during the same time, also published at least three or four other works on different branches of science and literature. We have among us a class of men who contribute nothing themselves directly to the advancement of science, but, understanding the market and the publishers, live on the labors of others. Hundreds of books are written and published yearly expressly to go in certain directions, where it is known that trustees or school committees are "all right," or can be made so. It is to this state of things that we owe most of the physiologies now in the hands of the young.

How few have any idea of the training necessary to enable a man, of even superior natural abilities, to prepare such a work that will be worth the publishing! More than fair attainments in natural history, comparative anatomy, physics, chemistry, and the use of the microscope are required; and also not only a power to appreciate, but a willingness to accept the labors of those of acknowledged authority in the different sciences connected with physiology. The author must himself be a physiologist, able and desirous to contribute to the advancement of his special branch of knowledge. No other can write a work that will do credit to himself, or that will stand the test of time. And to these scientific he must add certain literary qualifications, or his work fails in an essential point. Compare Dalton's Physiology with those of the class of which we have spoken, written by men who have published, and are ever ready to publish, works on any department of science or literature. What a marked difference is immediately perceptible! And in order to show that this difference is even far greater than at first appears, we propose turning over the pages of this distinguished physiologist's book. We shall see that, though we have before us a work written by one who is solely a physiologist, and whose valuable contributions are well known to all who pay special attention to this branch of science, nevertheless most decided errors and defects have passed unnoticed in it, notwithstanding it has gone through four editions, and has been subjected to the careful revision of the author.

On page 64 it is stated that, "at a point on the surface of every starch

grain there is a minute pore or depression called the *hilus*, around which the circular markings are arranged in a concentric form." Now, all starch grains begin as minute spherical bodies, and increase in size by the addition of concentric layers; but many diverge from the spherical form by the preponderating growth of one side of the granule. The *hilum* (*hilus* being neither Latin nor English) or nucleus is this starting-point of growth, which is either solid or hollow, and is not on the surface, but is the innermost of all the concentric layers. Hefney is the undisputed authority on the subject.

On page 114 we find that, "if a dog, with a gastric fistula, be fed with a mixture of meat and boiled starch," in portions of the fluid withdrawn "the starch is easily recognizable by its reaction with iodine;" while on page 129 we meet with the contradiction, "If one dram of such gastric juice (containing albuminose) be mixed with one dram of iodine water and boiled starch be subsequently added, no blue color is produced." It is clear that the former statement needs qualification; and on pages 153 and 157 there are two other assertions which in the same way conflict with one another. The first is that "while passing through the pulmonary circulation, however, they [fatty substances] disappear;" and the second is that "it [fatty matter] is found in considerable abundance throughout the entire vascular system." Such statements could hardly bring contending parties to an agreement.

On page 357 there is a remarkable original figure of the nervous system of the starfish, unlike that of any species which has ever come under the eye of the naturalist. The branches in the arms are represented as forked, instead of being composed of one median nerve with a succession of branchlets coming off in pairs opposite one another. In alcoholic specimens it is next to impossible to distinguish blood vessels from nerves, and we should judge that such were used for dissection in this case. As long ago as 1816, the lamented Tiedeman published an anatomy of the starfish which has not been since materially added to; and, in fact, Professor Milne-Edwards has illustrated the great work, "Le Règne Animal," of his master Cuvier with figures taken from this well-known monograph of the distinguished German anatomist. Professor Dalton might have found enough in it for his purpose, which would also have prevented him from publishing so serious a mistake.

On page 366 there is another original figure, made to show the nervous system of centipedes, but a naturalist would immediately suspect its accuracy in this respect from the fact that it is clearly faulty in almost every other structure represented. The feet should originate from the sides of the rings, not alternate with them; and the great claw like fang-feet should be turned not backwards but forwards and inwards. It would be just as correct to represent the natural posture of a man standing to be with his arms extended horizontally and directly backwards—a position not more torturing to the biped than the one here figured to the centipede. The nervous ganglia should be within the rings, not alternate with them, and should be connected by a nerve-cord, which, though double in structure, is single in appearance. The professor has mistaken a furrow for a total division of the cord into two threads. Here again we have high authority which might have been consulted. In the "Philosophical Transactions of the Royal Society" there are to be found several valuable papers by Newport on the development of the nervous and circulatory systems in myriapoda and other articulates, which are well known to every naturalist, and which furnish figures that would serve in the present instance most fully.

Lastly, we have to notice the section on reproduction, and shall be obliged to use terms, we fear, quite unfamiliar even to the ears of many liberally educated persons; for though instruction in physiology forms a part of the system of education in most of our schools and colleges, the text-books used are most of them carefully expurgated of all that relates to the origin and development of life.

On pages 532 and 533, both in the text and in the wood-cuts, the true vitelline membrane is ignored entirely, but the *zona pellucida*, which is stated to be but another name for this membrane, is figured. Now, in all vertebrates the zona is an accessory, formed against the inner face of the tunica granulosa of the Graafian follicle, and outside of the vitelline membrane; and the two exist together, especially in reptiles, for some time.

On page 590 we find the "two extremities (of the allantois) coming in contact with each other and fusing together over the back of the fetus, just as the amniotic folds had previously done." The extremities do not fuse together and become continuous, but only overlap one another; and, moreover, the outer lamina of the amnios, after being cut off from the inner one, remains, and does not "allow it (the allantois) to come in contact with the external membrane of the egg."

In figure 211, page 591, which is repeated on page 654, the vitellus

\* "A Treatise on Human Physiology; designed for the use of Students and Practitioners of Medicine. By John C. Dalton, M.D." 4th edition, revised and enlarged. Philadelphia: Henry C. Lea. 1867.

"The Elements of Physiology and Hygiene. By Huxley and Youmans." New York: D. Appleton & Co. 1863.

should be close up to the inner face of the shell, and, at the age and extent of the vascular area represented, it should be considerably larger, and not spherical but spheroidal.

In figure 212, page 592, the yolk sac should also be represented as still increasing in size, for it finally fills the whole shell, excepting the space occupied by the embryo; and the latter should be sunken in the upper part of the yolk. Long ago the illustrious Von Baer and the immortal John Hunter described these features. Nor does the allantois come out at *one side*, as in the figure, and turn over the back, but it folds upwards on both sides at once, and then forwards around the neck of the yolk sac, and up over the head, also on both sides. The folds, meeting on the bac, turn outwards and downwards, all around, and, passing close to the shell membrane, the persistent outer lamina of the amnios alone intervening, finally concentrate below the yolk sac.

It will be observed that we have noted chiefly those errors which, on turning over the pages of this work, were suggested by the wood-cuts, and we have to remark that the author might have greatly increased the value of his book had he aimed a little less at originality, and consented to use more freely figures drawn from other works of high authority. Our aim has been in this review not to decry the merits of Professor Dalton's Physiology, for we consider it, perhaps, the best book which we possess for the medical student—Professor Flint's being more serviceable to one who intends studying the subject beyond what is required at an examination by the faculty of any of our medical schools—but, by pointing out its errors, to show how difficult it is, considering the present activity in science, for any one, not strictly a physiologist, to write a physiology worthy of public confidence.

In the fall of 1866 Professor Huxley published in London a little work entitled "Lessons in Elementary Physiology," and designed, as he states in the preface, "to serve the purposes of a text book for teachers and learners in boys' and girls' schools." His object in writing the book was "to set down in plain and concise language that which any person, who desires to become acquainted with the principles of human physiology, may learn, with a fair prospect of having but little to unlearn as our knowledge widens—and to separate the well-established and essential from the doubtful and unimportant portions of the vast mass of knowledge and opinions we call human physiology." He has succeeded excellently well in all he aimed at. His style is clear and compact, and the whole subject is presented in a systematic and interesting manner. Those who are acquainted with the author's various contributions on the anatomical, embryological, and physiological relations of man to the lower animals, will find the work in perfect keeping with his reputation; and we are sorry that we have not an exact reprint of it, for not only is it adapted to schools, but most persons who wish to review their studies in this department of science may take it up, and in a few hours' time digest the whole of it with pleasure and profit.

Unfortunately, Professor Huxley "confided the early sheets of the work to Professor Youmans" (as the latter tells us in his preface) "to make such additions of matter" as he thought best, and to "adapt it to the circumstances and requirements of American education." In what respect the requirements of the American education of boys and girls differ from those of the English we are not told, but the American author thinks it necessary in order to meet these special requirements to contribute, of the four hundred and twenty pages, between one and two hundred of his own, in the form of an opening chapter and several chapters under the head of Hygiene. Why he did not add a succession of hundreds of pages on physiological chemistry, embryology, histology, and so on, we do not see, for Professor Huxley has only noticed them, as he has the subject of hygiene, or the laws of health, in accordance with the character and limits which he thought best to give the work. Professor Youmans's method and style differ entirely from those of the professor with whom he has associated himself. He dwells on the most commonplace subject at great length, and introduces points still in dispute as established facts. He writes with great enthusiasm and, we may say, momentum, but with a corresponding lack of conciseness.

Huxley's little work, freed from this incubus, would certainly meet with a cordial reception if reprinted here, even though the "requirements of American education" differ from those of his own country.

*Les Origines du Sermon de la Montagne.* Par Hippolyte Rodrigues. (Paris: Michel Lévy Frères.)—This is an octavo volume of 200 pages, the avowed object of which is to "prove scientifically, to those eyes which do not shun the light," that there is nothing new in Christianity, and that there is not a single moral precept recognized and practised by civilized

nations that is not traceable to the Jewish Scriptures. More than two centuries ago Grotius observed, in regard to the Lord's Prayer, that the single phrases composing it were current in rabbinical forms at the time of Christ. M. Rodrigues (*le Secrétaire Perpétuel* of the Israelitic Scientifico-literary Society organized at Paris) selects for the same purpose the Sermon on the Mount, as being the highest and fullest statement of Christian morality, and endeavors to show that it enunciates no new truths, but only embodies maxims which were in the mouth of every Jew before the Saviour uttered them, or, in the language of our author, *le discours de la montagne courait les rues de Jérusalem bien avant qu'il eût été prononcé.* The beatitudes themselves he regards only as an anthology of Israelitic piety and morality. The assertion that "the people were astonished at his doctrine" because he taught "as one having authority," and not as the scribes, is explained as referring to the earnestness of Jesus in reproducing in the form of pungent and incisive maxims the doctrines of the sacred books, instead of overloading them with long and obscure dissertations, as the authorized orthodox interpreters were wont to do. The method pursued by M. Rodrigues is to print on alternate pages (facing each other, so as to render a comparison between them easy) the Sermon on the Mount, as contained in the fifth, sixth, and seventh chapters of Matthew, and the corresponding passages from the Old Testament and the Talmud. But he does not prove satisfactorily that all his citations from the Talmud are "anterior to Jesus." It is not enough to affirm that Shammal and Hillel, the most distinguished heads of the Talmudic school, lived a century or less before the Christian era; or that "the Talmud contains the tradition of doctrines preached since the third century before Jesus;" or that Gamaliel and Johanan ben Zaccai, contemporaries of Jesus, "preceded him, according to every probability, in teaching the law." The Mishna was composed, or at least reduced to writing, by the Rabbi Judah Hakkadosh about A.D. 189, the Jewish Talmud about A.D. 396, and the Babylonian Talmud, which is most highly valued by the Jews, about A.D. 500. It is not always, and indeed very seldom, possible in such compilations, which are the growth of centuries, to fix the authorship of any one precept, or to say what doctor first gave it utterance. To endeavor, therefore, to establish the date of a citation by appending to it the name of a doctor (and even in most cases the author has to content himself with the title of a treatise), is not to proceed so *scientifiquement* as a professed *ami de la vérité* ought to do. In the "postface" we have numerous extracts from Reuss, Renan, and others, corroborative of the author's views. The conclusion at which M. Rodrigues arrives is, that the principles proclaimed by Moses and Jesus being the same, the two religions should adapt themselves to the scientific and philosophic progress of the age, and thus become *une seule et même religion.* Every step which they take toward reform is a step toward unification. In this country the tendency of Judaism to fraternize with certain forms of Christianity is strong, and seems to grow stronger. The Rabbi Lillienthal, for example, makes no difficulty about throwing overboard every dogma except those of the unity of God and the brotherhood of man, and thus affiliates with Unitarianism; his synagogue at Cincinnati, built in the form of a cross, with the domes of a mosque, and its interior walls inscribed with Hebrew legends, fitly symbolizes the catholicity of his religious belief. But M. Rodrigues must wait some time before all Christendom or much of it becomes Unitarian.

*The Bankrupt Law of the United States.* Edited by Edward Avery and George M. Hobbs, Counsellors-at-Law. (Boston: Little, Brown & Co. 1868.)—The general plan of this work is briefly set forth in the preface: "In preparing this edition of the 'Bankrupt Law' the editors have not intended to present a treatise on bankruptcy, but simply to take the statute as it stood, and so arrange the notes and references as to present the leading cases under their appropriate heads." This plan has been carried out with unusual fidelity. Though the editors, by the form of their work, disclaim all pretence to originality, yet they have furnished an amount of well-selected material which would do credit to a book of much greater pretensions, and would need little more than proper arrangement in order to become what is commonly called an original work. The difficult subject of assignments in section 14 perhaps illustrates as well as any other in the book the careful attention which has been bestowed upon the editorial task. The book has two appendices—one containing the General Orders and Forms of Proceeding in Bankruptcy, the other the United States Bankrupt Law of 1841. The index is unusually exhaustive. As a manual for daily use as well as a convenient digest of the most important cases on the subject, Messrs. Avery and Hobbs's work seems to us superior to any of its rivals, and eminently deserving of the approval and patronage of the profession.



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**GENERAL GRANT.**

Messrs. TICKNOR & FIELDS take pleasure in placing before the American people this superb Engraving, which must be regarded as the only authentic and satisfactory portrait yet produced of General Grant. It is from the same hand that executed those portraits of Washington and Lincoln which have taken rank among the masterpieces of lineal art; and it is confidently believed that this likeness is destined to become the historic portrait of General Grant.

The engraving has been made from Mr. Marshall's own painting, and gives, with striking fidelity, all the fine points of that great work. In the execution of this portrait the artist had unusual facilities for becoming acquainted with his illustrious subject, and obtained numerous sittings. His object was not to produce simply a likeness of General Grant, but to represent the features of his countenance accurately, with their best and most characteristic expression. As a portrait of General Grant, it differs widely from all others; but the publishers believe that it is at once the best and the truest portrait of him; and, as corroborating this opinion, they invite attention to the following testimonials from persons well qualified by acquaintance, taste, and culture to pronounce upon the merits of this engraving as a portrait and as a work of art:

(From Mrs. GRANT.)

WASHINGTON, Feb. 25, 1868.

MR. W. E. MARSHALL—DEAR SIR: I am delighted with your splendid engraving of my husband. I cannot say too much in its praise. As a likeness I do not think it could be better, and I shall always prize your elegant gift.

Yours truly,

JULIA D. GRANT.

(From SENATOR SUMNER.)

"It is a rare and finished work, excellent as a likeness, and altogether worthy of a place in any collection, or on the walls of any house."

(From MR. W. C. BENTLEY.)

"It is really a noble specimen of the art of engraving. It is admirable as a likeness, and appears to me to give the character of the original more perfectly than any engraving which I have seen."

(From MR. G. W. CURTIS.)

"The same force and fidelity, the same exquisite skill and delicacy which you have made us all admire in your Washington and Lincoln, are renewed in this masterly work. It shows all that simplicity, tenacity, sagacity, modesty, and moderation which explain Grant's career, and commend him so closely to the regard and respect of his countrymen."

(From MAJ.-GEN. HOWARD.)

"I do not know that I was ever more highly pleased with a work of the kind. The likeness is striking and the picture life-like. I am sure, though having several engravings of the General, that I should prefer this one, all things being considered, to any that I have yet seen."

(From MR. HUNTINGTON, the eminent artist.)

"It has a large, massive style, and great force and richness. The best thing about it is the truth with which you have rendered the indomitable spirit of the man."

\*.\* This Engraving will be sold by subscription only. Agents are wanted to canvass every town of the United States.

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Invite attention to the following notices of their Goods lately exhibited

## IN THE PARIS EXHIBITION,

For which they received the only award ever made by a foreign country to American Manufacturers of Silver Ware.

From the London Art Journal, November, 1867.  
"This page contains engravings of three Tea Services, and other objects in silver, manufactured by Messrs. Tiffany and Co., of New York. They are all designed and executed by American artists, and are not surpassed by any articles of the kind in the Exhibition. The designs are of the best order, introducing neither too much nor too little ornament, while they all bear evidence of good workmanship. The establishment of Messrs. Tiffany is the largest in the New World; it is of great importance, therefore, that they should minister to pure taste in America; they are doing so, if we may judge from their contribution. Our only regret is that they have not sent more; it is, however, something to show what America is producing and estimating. These 'exhibits' hold their own beside the best of England and France."

From the "Reports of Artisans selected by a Committee appointed by the Council of the British Society of Arts to visit the Paris Universal Exhibition, 1867." (Page 171.)

"Tiffany & Co., of New York, have but a very small case of silver goods, but the articles exhibited are of a very superior class. The coffee-services and water-jugs ornamented in flat chasing are very beautiful, both in outline and workmanship; some of the articles are nearly, if not quite, equal to *repose*."

2b. (Page 203.) "On Design."  
"Tiffany & Co. show a few excellent tea-sets, etc., both as to form and decoration; the flat chasing described in the catalogue as *repose* being especially noteworthy. It is carried out to the fullest extent. Nothing equal to it in either the French or English departments."

"One of the pieces has a band of chasing—griffins and foliage; the drawing exceedingly good. Altogether they are lessons in the art of decorating utility."

2b. (Page 208.) "Remarks."  
"The United States show of silver work is very limited. Although they cannot boast of quantity, they may fairly boast of quality. The forms of the various articles exhibited are well considered. While the decorations are beautifully designed and carried out with patient care, the judgment with which different 'mats' are used is deserving of great praise, and demonstrates the extent to which the process of flat chasing may be carried. Compared with works of a similar kind exhibited by other countries, they seem to be perfect of their class, having no rivals. While other exhibits rest principally upon rare and costly works, elaborated to the highest degree, this little display of the Americans rests upon humble work, proving that ordinary articles may be exalted and invested with a dignity that will entitle them to rank with the proudest achievements of industrial art."

## The Nation.

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"Thoroughly and safely progressive in spirit, containing an incomparable summary of the events concerning which it is essential that every man, who would lay any just claim to being well informed, should read."—*Maine Normal.*

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Siege Artillery at Richmond.  
Mastery of Languages.  
Current Literature.

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